



PESTICIDE EPISODE INVESTIGATION PROCEDURE MANUAL

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PESTICIDE EPISODE INVESTIGATION PROCEDURES

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I. LEGAL AUTHORITY

Federal Authority. Under 7 United States Constitution section 136 et seq., the United States Environmental Protection Agency (US EPA) is responsible for administering and enforcing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Section 26 of FIFRA specifies that for the purposes of this Act, a state shall have primary enforcement responsibility for pesticide use violations. Section 23 (a) (1) of FIFRA empowers the Administrator of US EPA to “enter into cooperative agreements with States...to cooperate in the enforcement of this Act.” The authority to enter into such agreements has been delegated to the Regional Administrators of US EPA.

State Authority. Under section 11454 of the California Food and Agricultural Code (FAC), the California Environmental Protection Agency Department of Pesticide Regulation (DPR) is responsible for administering and enforcing the provisions of FAC Division 6 and Division 7. FAC section 482 empowers the Director of DPR to enter into cooperative agreements with county agricultural commissioners (CACs) for the purpose of enforcing FAC Division 6 and 7. Under FAC section 2281, the CAC is responsible for local administration of the pesticide enforcement program.

II. RESPONSIBILITY

The DPR and CAC have responsibility and authority to investigate episodes that may involve potential or actual human illness or injury, property damage, loss or contamination, and fish or wildlife kills alleged to be the result of the use or presence of a pesticide (FAC sections 408, 11501.5, 12977 and 12982 and US EPA)/DPR/County Agricultural Commissioners and Sealers Association (CACASA) Cooperative Agreement section V)^{1/}. The local CAC usually conducts these investigations. Contact the Senior Pesticide Use Specialist for assistance in determining the appropriate investigative agency when: (1) The episode involves more than one county; or (2) It is inappropriate for the CAC in the county of occurrence to investigate (illness of CAC staff, complaint of CAC operations, other conflict of interest situations, etc.).

The DPR relies upon the CAC to provide sound, factual information and is available to assist the CAC during an investigation. The investigative information gathered is necessary to compile data that are used to evaluate pesticide use patterns, the effectiveness of the regulatory program, as well as determining appropriate enforcement action. Good investigations are often the major avenue toward identifying broader statewide or national problems.

In addition to use by the CAC and DPR, these investigation reports receive close review and scrutiny from the Legislature, US EPA, other government agencies, and special interest groups reflecting vastly different points of view.

¹ The cooperative agreements that impact episode handling are compiled by the DPR Office of Policy Coordination and Continuous Improvement.

III. TYPES OF EPISODES

Generally, episodes can be divided into three types based on the nature of the effect. Some episodes involve several kinds of effects.

Human Effects. Human effects episodes allege involvement of pesticide exposure and illness or injury. Episodes arise from pest control aircraft mishaps, pesticide handler accidents, exposure to residues in treated areas, exposure to drift, improper use of pesticides, incomplete aeration, etc.

Property Damage or Loss. Property damage or loss episodes involve contamination or damage of property. Some common property loss episodes include: plant damage resulting from drift of a herbicide; bee kills; domestic animal poisoning; residues that result in the inability to market a crop or animal; phytotoxic effects or nonperformance of a pesticide with subsequent pest damage.

Environmental Effects. Environmental effects episodes involve contamination or damage to the environment in general. Examples of environmental effects include: fish or wildlife kills; lake or stream contamination; ground water contamination; air pollution or soil contamination.

IV. NOTIFICATION AND INVESTIGATION OF EPISODES

GENERAL COMMENTS

Receiving the Episode -

Episode notification is accomplished by any of the following routes: Pesticide Illness Report (PIR); Doctor's First Report of Occupational Injury or Illness (DFROII); citizen or employee complaint of human exposure or unsafe condition (form PR-ENF-074); other government agency referrals; notification from PCB's (pest control business), growers, or labor contractors; report of loss, nonperformance or damage; or a news media account. **Begin investigations promptly. If you know about an incident, do not wait for a physician's report or written complaint.** The appropriate physician's report may not be filed, even though it is required (Health and Safety Code, section 105200, See Appendix B). Prompt initiation reduces the amount of investigative time needed to locate and interview people directly or indirectly involved in the episode. This is especially true when migratory/seasonal workers are involved. Early witness contact improves the factual information in the investigative report.

Health and Safety Code section 105200 requires the physician to report pesticide illnesses to the local health officer within 24 hours. For each reported pesticide illness, the local health officer must immediately notify the CAC. The CAC should establish contact with the local health department to ensure prompt receipt of these reports.

DPR routinely forwards episode reports to the CAC for investigation, unless the exposure situation lies outside DPR/CAC jurisdiction or pertains to a situation where the FAC places primary responsibility on

the Director (pesticide registration, product quality, product labeling). DPR and the CAC hold joint responsibility for investigation of pesticide residues on produce.

Some episodes require employee reporting under the provisions of the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The Act provides that when a designated government employee receives information about an illegal or threatened illegal discharge of a hazardous waste, the employee must provide notification according to county procedures within 72 hours. The 72-hour time frame includes weekends and holidays, thus a decision to report may be necessary before all information about the episode is available. Consult your Senior Pesticide Use Specialist concerning the reporting requirements under Proposition 65.

Any person alleging property loss, nonperformance or other damage as a result of a pesticide application shall file a verified report of the damage or loss within 30 days to the CAC of the occurrence or discovery of the loss (FAC sections 11761 - 11764).

Investigating the Episode -

The investigator should formulate a general plan for the investigation. The investigator must consider such things as type of episode, overall work load, priority, witnesses, time since occurrence, need for collecting samples, sampling equipment needed, record audits needed, and documents needed such as the Restricted Materials Permit, Notice(s) of Intent (NOI), and Pesticide Use Report(s). The investigative plan should include consideration of agreements with other agencies and legal mandates. As the investigation proceeds, the plan can (and should) be amended as new information is gathered. Refer to Title 3 California Code of Regulations (CCR) sections 6140 and 6141 for inspection authority.

The following table lists the forms and their use for reporting episode investigations:

Form #	Title	Use
PR-ENF-127	Pesticide Episode Investigation Report (PEIR)	Required for all investigation reports. PR-ENF-182 may be substituted for investigations involving antimicrobial pesticides.
PR-ENF-127A	Pesticide Episode Investigation Supplemental Report	Additional space for narrative.
PR-ENF-127B	Episode Witness/Injured/Complainant Report	Reporting of additional persons involved (exposed, witnesses or complainants).
PR-ENF-127C	Episode Site Diagram	Detailed diagram of incident area. Existing farm maps may be substituted, when appropriate.
PR-ENF-127D	Field Worker Dermatitis Supplemental Report	Providing specific information about field worker dermatitis.
PR-ENF-182	Antimicrobial Exposure Episode Report	Alternative form that may be used for investigations involving only antimicrobial pesticides.

The investigative report is a reflection of the investigator. The investigator must maintain an impartial attitude at all times. The investigator's job involves collecting all available evidence. When conducting the investigation and drafting the investigative report, the investigator should be aware that DPR staff and others unfamiliar with the case will be reviewing the report. The reviewer cannot properly consider anything that is not in the report, nor do they know the grower, employee or anything about the treated area. Remember, even negative findings can help direct the reader to form a valid conclusion and, in addition, demonstrates that the investigation was thorough. Lack of this kind of information implies that the investigator did not look into aspects of the episode omitted from the written report. Conclusions drawn by the investigator should be clearly indicated as such; they should not be presented as facts uncovered during the investigation. The investigator is conducting an **exposure** investigation, and **not** a medical evaluation of the illness. **Conclusions based on medical information uncovered during the investigation shall not be made.** This is outside the scope of the investigator's expertise.

TIMELY SUBMISSION OF EPISODE INVESTIGATIONS

The CAC is required to submit the completed Pesticide Episode Investigation Report (PEIR) to the PEB regional office within 120 calendar days of learning about the episode. DPR recognizes that a small number of episodes can not be completed within 120 days due to circumstances beyond the control of the investigator. For these cases, the CAC must notify the Senior Pesticide Use Specialist on form PR-ENF-097 explaining why the case can not be completed within this time frame. The CAC must also specify the length of time needed to complete the investigation. The extension must be approved by a Senior Pesticide Use Specialist. Criteria for obtaining an extension include:

1. The injured person is unavailable for an extended period, but is expected to be available for an interview at a later date. Specify the approximate date on the form.
2. Samples have been sent to an analytical laboratory which is unable to return the results for an extended period of time.
3. There is a delay in obtaining medical records or coroner reports.

DPR's Worker Health & Safety Branch (WH&S) receives medical reports (PIRs and DFROIs) and logs them into a computer database. Within two working days, the medical reports are sent to the appropriate CAC. Upon receipt of the completed PEIR from the CAC, the Pesticide Enforcement Branch (PEB) regional office date stamps the PEIR before forwarding it to WH&S. WH&S records the PEB received date in the computer database. WH&S sends a monthly printout of cases logged to each county. The printout includes both complete and incomplete investigations and the dates of receipt of the medical and investigative reports. DPR uses these dates to determine the length of time the episode investigation took.

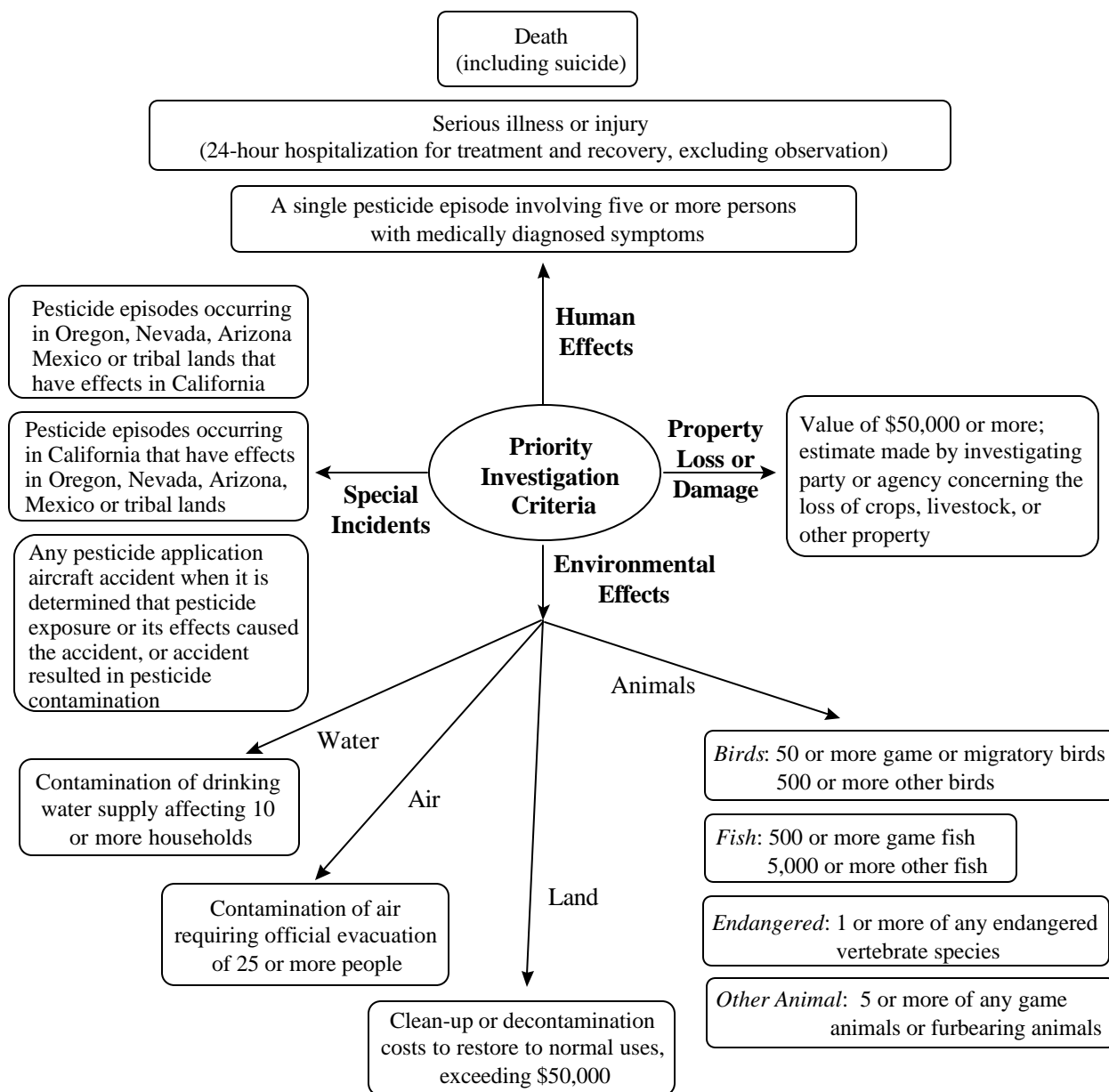
When forwarding a case to another CAC for investigation, please notify WH&S. The database record can be updated to reflect the change to a different CAC.

DPR can return a PEIR to the CAC when the report provides inadequate information. The time clock will stop upon receipt of the PEIR at the PEB regional office. The time clock starts again when the PEIR is returned to the CAC for additional information.

PRIORITY EPISODE INVESTIGATIONS

You must consider the priority episode investigation criteria contained in the US EPA/DPR/CACASA Cooperative Agreement for each episode. When the CAC learns of an episode that **appears** to involve one or more of the effects listed in Figure 1, the episode must be reported to your Senior Pesticide Use Specialist or the PEB regional office **immediately** by the most expedient method.

Figure 1: Priority Episode Investigation Criteria



Priority episode investigations are not affected by the distinction between use-related and not use-related under the US EPA/DPR/CACASA Cooperative Agreement. DPR reports these episodes to the US EPA irrespective of the agency with lead investigative responsibility. The Department of Industrial Relations (DIR), DPR, and CACASA established a Memorandum of Understanding (MOU) (January 1993) to identify and delineate the responsibilities and the jurisdiction of each agency in pesticide-related exposures.

DPR's PEB assigns a priority number and sends a Pesticide Episode Transmittal Record (PETR) to all agencies with responsibility. The Senior Pesticide Use Specialist works with the county during the investigation to ensure State and US EPA concerns are met. This includes investigating all possible

violations and taking appropriate enforcement action. View these episodes as an opportunity to examine the entire regulatory process.

According to the US EPA/DPR/CACASA Cooperative Agreement, a priority episode investigation must commence no later than 2 working days after referral to the county. For episodes involving antimicrobials, DPR will notify California Occupational Safety and Health Administration (Cal/OSHA) to determine whether they want to conduct a joint investigation with the CAC (CAC letter ENF 94-041). The CAC will conduct a full investigation on all priority episodes, including those involving antimicrobials. The DPR PEB regional office submits a preliminary report of the priority episode to the DPR PEB headquarters office no later than 15 days following receipt of the PETR. This preliminary report should include the CAC's findings, alleged violations, projected completion date and pending enforcement actions. The completed PEIR (or Antimicrobial Exposure Episode Report) for the priority episode must be submitted within 60 days or notify your Senior Pesticide Use Specialist in writing why the investigation will be taking longer and the expected completion date.

In the investigative report, the investigator should cover all aspects of the incident (including those not directly contributory). The final report must contain all available evidence that might contribute to an evaluation of the cause, effect and responsibility. During the priority episode investigation, examine the activities of all persons involved in making the decision to use a pesticide (including the pesticide dealer and pest control advisor), those who applied it, and when applicable, those involved in deciding when a field crew should enter a field for cultural activities.

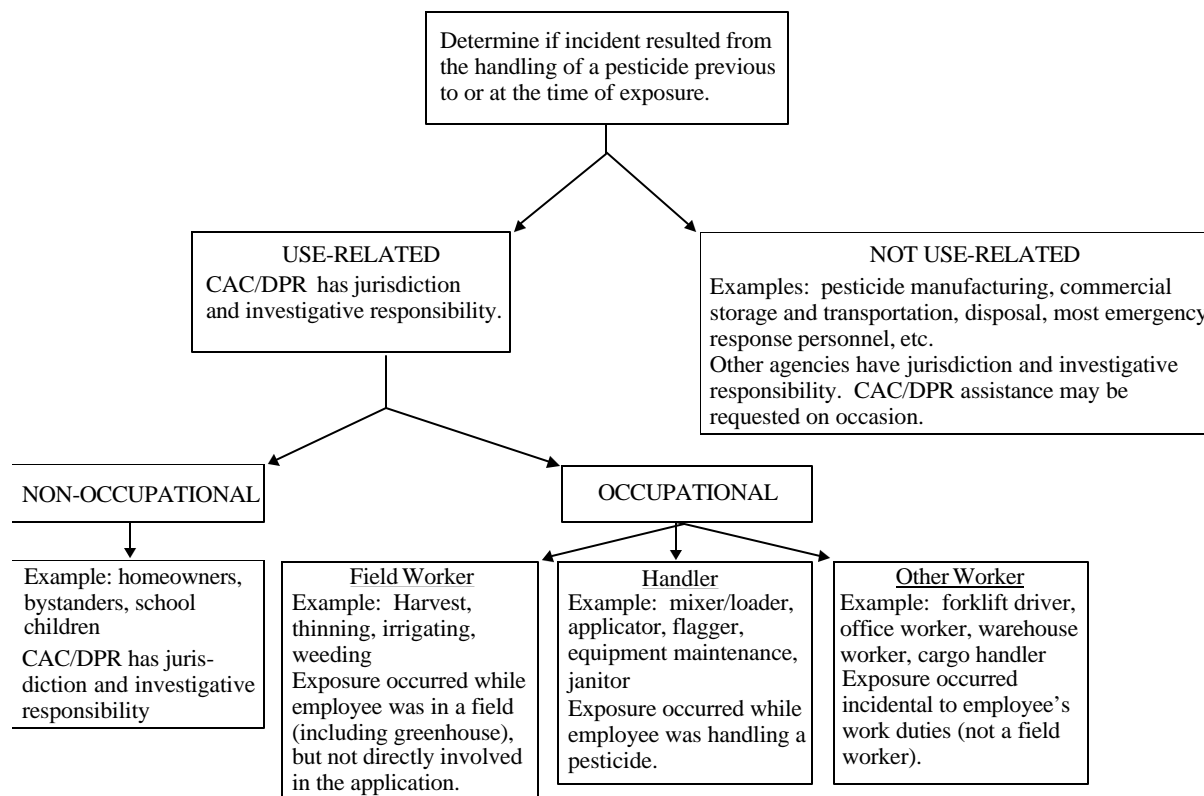
Due to the nature of events resulting in priority episode investigations, other agencies, including US EPA, commonly review these priority episode investigation reports. Often, these cases attract media, public and/or legislative attention.

HUMAN EFFECTS INVESTIGATIVE JURISDICTION

DPR categorizes pesticide-related exposures into two major groups, use-related and not use-related. The use pattern (such as structural, institutional, industrial, home, or agricultural), or the kind of pesticide (fungicide, antimicrobial, insecticide, or herbicide) does not affect jurisdiction or investigative responsibility. Figure 2 (from CAC letter WH&S 89-10) will assist the investigator in determining jurisdiction and investigative responsibility.

Use-related (Title 3 CCR section 6000) exposures result from pre-application, application and post-application activities. Examples include such activities as applying (including janitors and maintenance personnel using antimicrobials), operating fork-lifts and other equipment moving fumigated commodities, office workers exposed to a pesticide as a result of an application in their office, field workers, exposure to drift, cleaning spray equipment, etc. The key is that a pesticide was used, and exposure resulted, either directly or indirectly, from that use.

Figure 2: DPR/CAC Pesticide Exposure Investigation and Jurisdiction



Non use-related pesticide exposures result from pesticide activities incidental to other tasks. Examples include pesticide manufacturing, formulating and packaging, commercial transportation and storage, emergency response situations such as fires and spills, disposal sites, etc. These exposures come under the jurisdiction of the Department of Industrial Relations (DIR) as agreed upon in the DIR/DPR/CACASA “Memorandum of Understanding (MOU) For Employee Protection at the Pesticide Workplace.” Although outside DPR/CAC jurisdiction, our involvement may be requested due to our general knowledge about pesticide hazards and overall lead agency responsibility for pesticide regulation.

The DIR/DPR/CACASA MOU provides DIR jurisdiction for certain use situations. These are:

- 1) all ethylene oxide uses;
- 2) inorganic arsenic used as a wood treatment;
- and 3) ethylene glycol monomethyl ether uses.

CAC/DPR have responsibility to investigate the circumstances of the exposure event and document the investigative findings. As a result of the investigative process, an evaluation can be made concerning

possible use violations, deficiencies in labeling or required procedures, or inappropriate registered use patterns that may have contributed to, or resulted in, the exposure. The investigative findings may also assist in documenting problems inherent with the use of a particular pesticide. The various phases of the California pesticide regulatory program depend on this information; the CAC is an important component of the program.

CAC/DPR maintain jurisdiction and investigative responsibility of all non-occupational pesticide use-related exposures. These include exposure to homeowners, bystanders, school children, etc.

For occupational pesticide exposures, the affected person's work activity at the time of exposure determines the CAC/DPR role in the investigation. In general, the following worker activities, fall into the jurisdiction of the CAC/DPR (CAC letter WHS-89-10):

1. Handler - Exposure occurred while an employee prepared or applied a pesticide for either agricultural or nonagricultural purposes. These work activities include mixing, loading, flagging, applying, servicing, maintaining or cleaning contaminated equipment, incorporating pesticides into the soil, handling unrinsed containers, removing tarps, or performing the duties of a crop advisor during application or restricted entry interval (REI).
2. Field Worker - Exposure occurred while the employee was working in a field (including greenhouses) and was not directly involved in the handling of a pesticide. Work activities include picking, thinning, pruning, irrigating, weeding, etc.
3. Other Worker (Incidental Exposure) - Exposure occurred incidental to the employee's job, but was a result of someone handling a pesticide previous to, or at the time of, exposure. These work activities include office workers exposed to residue and employees exposed through drift.

WH&S forwards reports of illness or injury that appear to be pesticide use-related to the CAC for investigation of the circumstances of exposure. This excludes reports involving pesticides that are specifically addressed by the DIR/DPR/CACASA MOU (e.g., inorganic arsenic wood treatments, ethylene oxide and ethylene glycol monomethyl ether). If the CAC determines a case is not within their jurisdiction, do not refer cases reported on DFROII to DIR, unless DPR requests investigation as a priority case. (DIR has the opportunity to review all DFROIIs.). **The CAC must still file a PEIR with the Senior Pesticide Use Specialist. The PEIR must explain why the incident is not use-related.** The Senior Pesticide Use Specialist provides WH&S with a copy so that WH&S records can be updated.

In addition to evaluating the circumstances of the exposure event, sodium hypochlorite investigations should examine the use of the product. Sodium hypochlorite has antimicrobial as well as bleaching properties. Some sodium hypochlorite products (e.g., Clorox®) make antimicrobial claims on the label and are registered as pesticides. However, some sodium hypochlorite products (e.g., generic bleach) make no antimicrobial claims and, thus, do not need to be registered. Presume

exposure incidents involving sodium hypochlorite are pesticide-related when the product is used as a pesticide, regardless of the registration status of the product (CAC Letter WHS 90-4). Use of an unregistered product as a pesticide is a violation of the FAC, section 12995 and if sufficient evidence is available, action can be taken. In general, the use of sodium hypochlorite on hard surfaces (floors, countertops, dishes, etc.) is considered to be a pesticidal (antimicrobial) use. Sodium hypochlorite used for pool and spa disinfection (pool chlorine) is also a pesticidal use. Exposures resulting from these uses are forwarded for investigation. The use of sodium hypochlorite for laundering is generally considered to be for bleaching purposes and is not a pesticidal use. While certain laundry situations may involve disinfection (diaper pails, hospital laundry, etc.), as a general rule, these exposures are not forwarded to the CAC for investigation (CAC Letter WHS 90-4).

INVESTIGATION OBJECTIVES

The following summarizes information necessary for investigations of human illness/injury, field worker cluster episodes, death/suicide, aircraft mishaps, property damage or loss, fish and wildlife kills, pesticide fires and spills and emergency hazardous materials incidents. Priority episode investigations require special attention to details summarized for each type of incident.

Interviews of people involved in pesticide episodes is an integral part of an investigation. To assist investigators, a series of suggested interview questions can be found in Appendix E. Questions can be found for the following types of cases: a) pesticide handler, employee; b) pesticide handler, employer; c) flagger; d) field worker exposed to pesticide drift; e) field worker exposed to pesticide residue; f) private citizen exposed to pesticide drift; and g) private citizen exposed to pesticide residue. Additional questions may be needed depending upon the circumstances of the case.

Human Effects Episodes (Not Involving Antimicrobials) -

During the investigation of human effects episodes, **the objective is to document the exposure and determine the circumstances contributing to the exposure event.** Gather information concerning the episode from those with knowledge of the incident. These include the ill or injured employee or person, employer or supervisor and any eye witnesses. For episodes involving drift, structural applications, etc., obtain information from the applicator. In the narrative, specify who provided each piece of information. The ill or injured person shall be interviewed or explain why this is not possible. The following describes some of the information that should be collected during the investigative process.

Specific activity. Identify the exposed person's specific activity (e.g. harvesting grapes, mixing for an aerial application) at the time of exposure, if known. Also, include information on the length of time the employee spent at this activity. "Laborer", "farm worker" and other general terms do not provide activity-specific information and should not be used.

Toxic agent. What chemical(s) was used? Was the chemical used as a pesticide? Record the product name and EPA registration number. Describe how the chemical was used. Was the

chemical properly used (i.e. according to label directions)? Is it a restricted material? Was anything different in the pattern of usage (i.e., first time the pesticide was used on a particular crop, different timing or method than in the past)? Accurately record all information.

Labels. Include a copy of the pertinent pages of the label(s) with the investigation. Do not include label pages that have no bearing on the incident (i.e. use directions for crops/sites other than the one(s) related to the incident). Whenever possible, obtain a label from the product at the episode site or identify the source of the label. If you must use labels from label books, ensure that they are the same label as the one involved in the episode. Please beware, these books may contain labels for products that are not registered in California and may not reflect recent changes to the label. It is not necessary to include a copy of the Material Safety Data Sheet (MSDS) with the investigation, unless the MSDS is presented as evidence. When a copy of the label can not be obtained, a copy of the MSDS may be included as evidence of the product used.

Exposure. Describe the exposure event (give all pertinent details). Was there anything unusual about the work activity? Was the employee recently hired or recently assigned to pesticide use activities? Was there exposure involved with prior activities or with activities outside the work setting? If no specific exposure event can be identified, include a detailed exposure history of activities prior to the illness. Incidents where the exposure event cannot be determined may suggest that additional mitigation measures are needed to reduce overall exposure. (NOTE: The determination of the exposure/illness relationship relies on specific and detailed information of the exposure situation and symptoms experienced. The more complete the information, the more accurate the exposure/illness relationship will be.)

Cultural practices. Note any crop cultural practices that may contribute to the exposure (e.g. type of trellising, irrigation methods, clean vs. weedy fields, etc.).

Training. How are the employees trained? Does the employer's and employee's description of the training program coincide? Evaluate the quality of the training, as well as the training records. Is the trainer a certified trainer? Evaluate the training plan. Does the training plan include all the required items? Does the employee have adequate knowledge of the pesticides and equipment used? For the employee(s) involved in an episode, include a copy of their training records with the investigation. Do not include training records for workers not involved in the incident. If field workers are involved, did an REI expire within the previous 30 days? If so, have the workers been trained? Do they have Valid Verification of Training (Blue) Cards? Can the workers explain the type of training they received? Ask the employer how the field workers are trained.

Supervision. How closely is the employee(s) supervised? Was the supervisor aware of the conditions at the use site (Title 3 CCR, section 6702)? Did the supervisor provide the required safety equipment? Is the supervisor certified (generally limited to restricted materials)? Is there a protocol for resolving employee problems? Is there a plan to contact a supervisor (or his backup)?

Symptoms. Do not assume the information given in the PIR/DFROII is accurate. Ask the affected person what symptoms he/she experienced. How much time elapsed between exposure and the onset of symptoms? When more than one person is involved in an episode, record the symptoms experienced by each person involved. Each person may react a little differently to similar exposures.

Medical care. Was medical supervision required? If so, were the regulatory requirements and physician's recommendations followed? If not, document what tests were required, but not performed or the recommendations not followed. Is the name, address and telephone number for emergency medical care posted? Was the employee taken to a medical care facility? How much time elapsed between onset of symptoms and medical treatment? Were medical tests completed? If so, what were the results? Take a Medical Information Authorization form (PR-ENF-133 (English version) or PR-ENF-133x (Spanish version)) for release of medical records and get it signed at the time of the interview. For priority episodes, get the medical records. Medical records, especially relevant test results, are often critical in evaluating the case. If the medical records are deemed necessary and the investigator cannot obtain them, contact WH&S for assistance. If the records cannot be obtained and a reasonable effort was expended, state the reason in the investigative report.

For cases involving cholinesterase tests, try to obtain a copy of the laboratory test results, including the laboratory normal range for each test. Baseline levels and any test taken prior to the exposure should also be obtained. For cases involving lowered cholinesterase levels, was the employer required to investigate the employee's work practices (Title 3 CCR section 6728(d))? If the employer conducted a work practices investigation, include a copy of the report with your investigation.

Description of the application method and application equipment. Describe how the pesticides were applied. What type of equipment (be specific) was used? Note items such as air or ground equipment, boom placement on the spray rig, type and effectiveness of closed system used, whether an enclosed cab was in use, type of hand-held application device, use of an electrostatic spray rig, etc. Is the equipment well maintained and has it been calibrated? What is the size of the nozzle orifice. Evaluation of drift and residue (field and structural) episodes especially benefit from this type of information.

Protective measures. What protective measures (engineering controls or personal protective equipment) were provided and in use at the time of the episode? What protective equipment is required by labeling and regulation? To effectively evaluate the case and its affect on the regulatory program, WH&S needs to know exactly what was used or worn by the employee(s) (including the normal clothes they wear for work, leather vs. cotton gloves, long vs. short sleeves, chemical-resistant vs. cloth coveralls, goggles vs. sunglasses, etc.). Statements such as "All required protective clothing was worn" are not useful, unless combined with specific items worn. Note, when possible, the manufacturer/model of any engineering controls. Is the protective equipment in good repair (clean respirator filters, torn coveralls, holes in the gloves, etc.)?

Decontamination. Were soap, towels, adequate clean water and one set of clean coveralls at the work site? This requirement applies to mix/load sites and field worker locations (Title 3 CCR sections 6734 and 6768). Are clean coveralls provided daily (if required)? Does personal hygiene appear to have a role in the incident?

Others involved. Were other people exposed? Often this cannot be determined accurately without interviewing other workers who may have been exposed. Indicate if others who may have been exposed were interviewed and the results of the interview. The investigator should not state that the affected person was the only person in the crew to become sick/injured unless the entire crew is interviewed. Lack of a doctor's report (PIR or DFROII) does not mean that no other person suffered symptoms.

If the information collected during the investigation is different from that previously reported (i.e., in the DFROII or PIR), explain the difference and how the information was verified.

It is very important that we know the circumstance that led to the illness/injury in order to evaluate the effectiveness of the laws, regulations, policies and practices. If the investigator cannot determine a specific exposure event, it may be necessary to implement additional protective measures. Lack of a specific exposure event may indicate that current handling practices for the pesticide involved are inadequate. Safety protections may be inadequate when the required personal protective equipment has been worn, properly maintained application equipment is used and safe procedures were followed.

Following a human illness/injury investigation, there is only one occasion in which the investigator(s) may conclude that an illness/injury is not pesticide-related. This occurs when the investigation positively identifies a causative agent that is not a pesticide or used as a pesticide. This type of decision appropriately falls within the expertise of the CAC. **Do not make conclusions or include personal opinions in the investigative report that are based on medical evidence.** The investigator is conducting an **exposure** investigation, and **not** a medical evaluation of the illness. This is outside the scope of the investigator's expertise.

Human Effects Episodes Involving Antimicrobials -

The following information is included in CAC Letters ENF 94-016 and 94-041.

Injured lost no time from work. If the investigator determines that the injured person did not lose time from work as a result of the injury, indicate that fact on the Antimicrobial Exposure Episode Report. Also include the following information in the antimicrobial report: priority and WH&S case numbers, county of occurrence, date of occurrence, injured person's name, specific work activity at the time of exposure, site/area treated, signs/symptoms experienced, pesticide name and manufacturer, US EPA pesticide registration number and a brief summary of how the exposure occurred. Submit the report through normal channels. Antimicrobial reports submitted without basic information will be returned for completion. In addition, the CAC should send the Antimicrobial Information Leaflet to the business to inform them of the incident and of the regulatory requirements. No other enforcement action

is needed.

Injured person lost time from work. If the investigator determines that the injured person lost one or more days from work as a result of the injury, conduct the investigation via telephone to determine how the exposure occurred. The investigator should interview the employer and employee. Focus the investigation on the circumstances of exposure as it relates to product registration, labeling and whether the employer has a current Hazard Communication Program and Injury and Illness Prevention Plan. Use the Antimicrobial Exposure Episode Report to document the findings of the investigation and any violations uncovered.

For a first non-compliance, send a letter and the Antimicrobial Information Leaflet to the employer to inform them of the requirements. On the second non-compliance, determine from the employer whether the business was inspected by Cal/OSHA recently. If the employer was cited by Cal/OSHA for violating worker safety regulations and is addressing those violations, the CAC should use enforcement discretion (see the Enforcement Guidelines). If Cal/OSHA has not performed a recent inspection and/or cited the employer, it is appropriate for the county to cite the employer and take enforcement action for repetitive violations.

Field Worker Cluster Episodes -

When investigating any illness/injury involving a member of an agricultural field crew, do not assume the worker is the only one affected in the crew. DPR may not have a report of additional illness or injury for several reasons: (1) the doctor's reports may not have made it through the system; (2) the doctor may not report the episode (even though it is required); or (3) the other crew members may not seek medical care. If more than one illness/injury occurs, at one location within a short period of time, be alert to the possibility of a cluster illness/injury situation. Early identification of this situation may actually prevent a serious cluster episode.

A field worker cluster episode may be the most volatile situation for an investigator. At least five issues must be considered: (1) Is there a continuing health hazard? (2) What is the health status of the affected crew? (3) Is there a possibility of illegal residues on produce? (4) What were the conditions of exposure that lead to illness? (5) Did the investigation identify any violations?

The health of the persons exposed must be the primary concern. The CAC should involve DPR (WH&S and PEB) and the County Health Officer early in the episode. The Health Officer has authority (Health and Safety Code, section 105200, see Appendix B) to become involved in a situation of this type. The Health Officer also has the expertise to provide valuable assistance in determining if there is a public health hazard and in communicating with physicians.

When there is the possibility of an ongoing health hazard due to pesticides, the CAC can take the necessary steps to protect the workers. Pursuant to Title 3 CCR section 6706, the CAC can issue an order to: (1) prohibit all entry by employees into the area; (2) require the employer to obtain medical supervision and an evaluation of workers by the medical supervisor; and/or (3) specify exposure time limits or personal protective equipment (PPE) to be worn by employees entering the area. The medical

supervisor would monitor the health status of the workers. The medical supervisor's worker health recommendations must be followed. Inform the DPR WH&S Branch of the identity of the medical supervisor.

Worker's Compensation requires medical treatment for all workers made ill at the workplace. Workers are entitled to Worker's Compensation disability income if they become unable to work due to the effects of the pesticide exposure in the workplace. Have the worker contact the Information and Assistance Officer of the closest district office of the DIR, Division of Workers' Compensation for questions about the rights of the employee, Worker's Compensation coverage/benefits or employer retaliation (see Appendix D for addresses and telephone numbers).

When dealing with workers who do not speak English, ensure adequate interpreters are available. Prior planning will establish a network so interpreters can be contacted and retained on short notice in an emergency. Workers should be fully informed of what happened (based on what is known at the time), their rights and what is planned.

Conduct individual interviews with each worker soon after the incident. The interview should be conducted privately, without the employer or an employer representative present. It is advisable to develop a short questionnaire to use during the interviews. Each questionnaire should take 5 to 10 minutes to administer. Concentrate the questions on worker specific information (e.g. medical symptoms, including prior history of dermatitis, asthma and allergies if pertinent, work location and activity at time of exposure, personal hygiene, living conditions).

DPR will coordinate foliage sampling for dislodgeable residues and produce sampling for total residues. Collect the initial samples from the area where the crew was working when they became ill. Take additional samples from fields the work crew may be going to, fields they recently worked in, and other fields treated in a similar manner as the suspect field.

Conduct prompt, well planned, sampling of foliage for **dislodgeable** (not total) residue analysis. In order to properly evaluate the potential exposure of workers, WH&S needs data from dislodgeable foliar residue (DFR) samples. The DPR Investigative Sampling Manual section III (C) (3) (b) outlines procedures for collecting dislodgeable foliar residues. The dislodgeable foliage sampling procedures differ significantly from whole leaf residue sampling procedures. **Do not collect whole leaves** in a paper bag for dislodgeable residue analysis. The residue on the leaf surface will rub off onto the paper bag and will not be included in the analysis. Collect leaf discs in a clean glass jar. The residue is washed from the leaves in the jar and thus any residues that get on the glass during collection or shipment will be included in the analysis. If possible, collect the first DFR samples from the treated site where workers were exposed, but have not contacted the foliage. Always collect replicate samples; it is best to collect 3-5 samples from the same area for the same analysis. Place the DFR samples in an ice chest with ice or blue ice; do not freeze or use dry ice for DFR samples. Contact WH&S for assistance.

Other important samples may include soil (top centimeter) for total residue analysis and "duff" (dead leaves, twigs, etc., under plants) for dislodgeable residue analysis. Collection of these samples will be dictated by the activities of the workers. Did they go to a different field for lunch break? Did the workers eat treated produce? The investigator may need to act on preliminary information, as these samples need to be collected as soon as possible to provide meaningful data. The DPR Investigative Sampling Manual section III (C) (5) (a) provides information on collecting surface soil samples.

The investigator must collect complete work histories to determine where the crew previously worked. Obtain work histories for at least seven days prior to the episode and for 30 days, if possible. Work histories include time worked, activity, location of fields worked, crop, variety, crew assignments, etc. Collect pesticide application histories (at least 30 - 60 days) for all fields noted in the work histories.

The investigator may wish to collect clothing samples from certain workers. Have the worker sign a Release of Clothing form before obtaining a sample of his/her clothing. Be selective in collecting clothing samples. Be sure that the resulting data will be useful in the investigation. The clothing should have been clean at the start of the day and it should be collected the day of the episode (or the next day and ensure that it was not washed). Washed clothing will not provide useful data. Generally, clothing samples only tell the investigator if the person was exposed to the pesticide in question, not whether the exposure resulted in a health hazard. Refer to the DPR Investigative Sampling Manual section III (C) (6) for more information on collecting clothing samples.

People with appropriate expertise (toxicologists, physicians) evaluate these episodes (hazards of residue present, medical tests, etc.). Involve them early in the investigation. Contact WH&S for assistance in this area.

The investigator may also need to collect samples of marketable produce for total residue analysis. If high foliar residues are present, there may also be a commodity residue problem. The Investigative Sampling Manual section III (C) (7) describes the process for proper collection of commodity samples.

Employee Complaints -

An employee has a right to a safe workplace (Title 3 CCR section 6702). The employer has the responsibility to remove unnecessary hazards from the workplace and to provide protective devices for hazards to which the employee may be exposed.

The employee has the right to file a confidential complaint alleging unsafe working conditions. The employee's legal rights must be protected at all times during the investigation of a complaint (Labor Code sections 6309 and 6310, see Appendix C). The name of the complainant must be kept confidential unless that person specifically requests otherwise (Labor Code section 6309).

An episode involving an employee complaint about an unsafe workplace, may require immediate action (California Code of Regulations [CCR], Title 3, section 6704). Employee complaints may be formal or informal. A formal complaint is an oral or written allegation by an employee, union representative or other employee representative (with or without a contract). If the complaint is a formal complaint, the Labor Code (section 6309, see Appendix C) and the DIR/DPR/CACASA MOU requires that an

investigation begin within three working days. The CAC must inform the complainant of any action taken or the reasons for not taking action. If there is no reasonable basis for the complaint, include the supporting evidence in the episode investigation report. Employee complaints from other sources (e.g., friends, spouses, or special interest groups) are informal complaints and are not limited by the three working day response; otherwise they are handled in the same manner. Interviews should be conducted in private without employer representation. This interview should cover the conditions of the workplace. Do not give advance notice to the employer that an interview pursuant to an employee complaint is to be made.

For employees filing complaints involving human exposure/effects due to pesticides, use the Report of Human Exposure or Unsafe Condition form (PR-ENF-074). The CAC may also receive written complaints on referral from Cal/OSHA as well as by letter from the employee or employee representative.

Conduct the basic investigation of an employee complaint of a hazardous workplace in the same manner as complaints received from other sources. Give special attention to the allegations included in the complaint. Determine the following: (1) Is there any evidence to support the allegation? (2) Has the hazard been removed or are protective devices available to control employee exposure? (3) Did violations occur? (4) Should other agencies be involved in the investigation (e.g. Cal/OSHA)?

The complaint investigation becomes an illness investigation if the investigator discovers the complainant and/or coworkers allegedly suffered illness symptoms from exposure to a pesticide and sought medical attention. Upon completion, submit the investigative report to DPR. A pesticide illness case number will then be assigned by WH&S to the ill worker(s).

Normally, an employee complaint triggers one or more types of inspections listed on the Pesticide Use Monitoring Inspections Report (PR-ENF-021) or the Pest Control Records Inspections Report (PR-ENF-022). Do not give advance notice of an inspection pursuant to an employee complaint.

The employee has the right of protection against retaliation by the employer when a complaint is filed. Immediately refer complaints concerning employer retaliation to the appropriate local office of the DIR, Division of Workers' Compensation. Encourage employees with concerns about employer retaliation to contact the Information and Assistance Officer of the local district office of the DIR, Division of Workers' Compensation (see Appendix D for the addresses and telephone numbers).

The DIR/DPR/CACASA MOU requires DIR to refer complaints of unsafe practices involving agricultural, as well as nonagricultural use of pesticides to the CAC. The CAC refers complaints of unsafe workplaces involving manufacturing or formulation plants and commercial (i.e., marketing or distribution, not user) storage, transportation or disposal of pesticides or pesticide containers to DIR for investigation, through the Senior Pesticide Use Specialist. The CAC should contact the local DIR representative to determine if a joint investigation is necessary when questions arise about the jurisdiction of an employee complaint. The Labor Code (section 6313, see Appendix C) requires DIR to investigate the causes of any employment accident which results in a fatality or involves hospitalization

of five or more people for 24 hours. (NOTE: This is different than the priority episode investigation criteria.) These types of cases are likely to result in joint investigation.

Citizen Complaints -

Citizens should complete and sign the appropriate complaint form, **but an investigation must be conducted** even if the complaint is verbal. For complaints of property damage or environmental effects, use the Report of Loss, Nonperformance or Damage form (PR-ENF-008). For complaints involving human exposure/effects, use the Report of Human Exposure or Unsafe Condition form (PR-ENF-074). Even if the complainant does not wish to sign the complaint form, the forms still serve as the basis for the interview and to record the information received. In cases involving human exposure, review the following items: (1) Did the exposed person(s) seek medical attention? (2) Has the hazardous situation been resolved? (3) Is pesticide misuse alleged? (4) Could the problem impact the pesticide regulatory process in any way? (5) Are there any violations? Attempt to obtain as much information as possible from the complainant at the time of the initial contact (signed statement, medical records release, etc.).

The complaint investigation becomes an illness investigation if the investigator discovers the complainant and/or others allegedly suffered illness symptoms from exposure to a pesticide and sought medical attention. Upon completion, submit the investigative report to DPR. A pesticide illness case number will then be assigned by WH&S to the ill person(s).

Consumer complaints concerning pesticide residues on produce -

Consumer complaints concerning pesticide residues on produce may be jointly investigated by the county health department, DPR and the CAC. The following procedures are outlined in CAC letter WHS 86-5:

1. Whenever samples of produce (collected by you for laboratory testing for pesticide residues) are associated with human illness cases, please report the following information about the person reporting or having the illness to your County Health Officer.
 - a. Name
 - b. Address
 - c. Telephone number
2. In addition to the above information, you should attempt to determine the point of origin of the produce.
3. Whenever you are called about a produce-related illness, please refer the caller to the County Health Officer.

Suicide/Attempted Suicide -

This exposure situation presents a unique problem for the investigator. In cases of suicide, use the Coroner's report as the basis of the CAC report. In the case of an attempted suicide, the investigator must avoid aggravating the mental state of the person involved. The investigator should avoid interviewing the victim. Obtain information from police records, paramedics, physicians, friends or relatives. **We need only to determine the identity and source of the pesticide, the extent of exposure, the signs and symptoms of illness/injury, and possible violations uncovered by the**

investigation. If the medical information cannot be obtained, identify the treating physician (name, address, telephone number) and forward to WH&S. WH&S may be able to obtain more information, if necessary.

Agricultural Fatalities -

Because agricultural fatalities often lead to questions concerning the involvement of pesticides, it is appropriate to collect certain samples. CAC letter WHS 94-5 discusses some samples that may need collection, usually by the coroner. These samples include blood for cholinesterase inhibition or analysis of chemicals, urine for pesticide metabolites, skin wipes, stomach contents, or tissue samples. The local county coroner may have a copy of the sample collection protocol attached to WHS 94-5. As part of the investigation, the investigator may need to discuss these issues with the coroner. WH&S may be able to provide assistance in the investigation, collection of samples and analysis of samples for these types of incidents.

Aircraft Mishaps -

Investigate aircraft mishaps (fatal or nonfatal) to determine if the pilot's judgment or ability was affected by pesticide exposure. An investigation of an aircraft mishap should include: a work history for one to four weeks prior to the mishap to evaluate possible pesticide exposure; a determination of the need for medical supervision; relevant medical tests (e.g., cholinesterase baseline and follow-up tests); supervision; ground to air contact for evaluation of hazards; applicable company policies; and the most likely cause of the incident according to the Federal Aviation Administration or statements from witnesses, employer and/or pilot. If a fatality occurred refer to the section on agricultural fatalities. Review the priority episode investigation criteria to determine if the incidents warrants a designation as a priority episode.

Illegal Residues Found or Suspected on Crops -

The CAC responds to illegal residues on produce when notified by the DPR PEB regional office or when their own observations or record reviews indicate a crop may contain an illegal residue. Information regarding residue cases initiated by the CAC should be given to the DPR regional office as soon as possible.

The CAC has two areas of responsibility regarding illegal residues: 1) contain and control suspected crops in the field, and 2) investigate illegal residue episodes to determine if they resulted from violations of pesticide laws or regulations.

The first priority in residue cases is containment of the produce suspected of contamination. The grower and source field(s) should be identified quickly. Suspect fields should be placed under a prohibit harvest order and sampled. Fields suspected of contamination can be held under FAC section 12601 if it is within one week of harvest. The residue must be confirmed by sample within 24 hours. Once the illegal residues are confirmed, the grower should be issued a Stop Harvest Order citing FAC section 12673. If it is determined that a grower is in violation of a preharvest interval, no sampling is required. In these cases the field should be held using FAC section 12672 until the interval has expired. (See the DPR Investigative Sampling Manual section III (c) (7), "Taking Commodity Samples.")

Once the contaminated field has been identified and harvest has been stopped, the episode should be investigated in the same manner as other types of episodes. Residue cases are categorized as either overtolerance or no tolerance established. Overtolerances are commonly caused by violation of the preharvest interval, use at too high a rate, too frequent use or other label violations. No tolerance established residues are commonly caused by use of a pesticide not registered for that commodity, drift, spray rig contamination or violation of a plantback restriction. Investigations should include an assessment of applications made to the subject field and to all adjacent fields.

Property Damage or Loss -

Many circumstances may result in property damage or loss episodes. The most common episodes include drift of herbicides, contamination of commodity with unregistered pesticides, poisonings of domestic animals and bee kills. The complainant may want the investigator to assist in securing monetary compensation either directly or through findings that can be used in civil court. As the investigator, collect unbiased information useful in determining if pesticide laws or regulations were violated. Do not allow influence by possible civil action. Investigations are conducted regardless of compensation to the affected party.

If crop reduction or total loss is involved, obtain production history for the field in question or for similar fields. The damage pattern may give clues as to the cause and/or direction of the source. Plan your sampling so that it provides useful information. Refer to the DPR Investigative Sampling Manual for direction. For example, in drift cases, perform gradient sampling (DPR Investigative Sampling Manual section II (D)(2)(b)), a series of 5 samples taken at varying distances between the suspected source of the drift and the alleged site of the property damage or loss. If drift occurred, the residue level will generally decrease in proportion to the distance from the source. Consider local topography, especially when investigating episodes involving the fumigants. Always prepare a map showing the affected areas and sampling locations. Photographs may also prove useful, if effects are visible.

If the problem appears to be connected to the efficacy or performance of a pesticide product, gather complete information about the application site (including soil types) and the application. This includes all chemicals (including adjuvants) in the mix, pH of the water, and variety of the plant/animal injured. When possible, obtain samples of the suspected pesticides from the tank or container for laboratory analysis. Contact your DPR Senior Pesticide Use Specialist when investigating episodes involving pesticide performance.

Fish and Wildlife Kills -

A fish or wildlife kill investigation requires determination of the circumstances of the kill and what and/or who is responsible. An episode that involves a fish or wildlife kill (whether or not it appears to meet priority episode investigation criteria) should be reported to the regional office of the California Department of Fish and Game (DFG). This is a provision of the MOU between DFG/DPR/CACASA.

The MOU defines the areas of responsibility and authority. DFG usually takes the lead in these investigations. Some of the circumstances to consider are:

1. What kind of wildlife/fish are involved? How many are affected? This is an area that may be more appropriately determined by a DFG Biologist.
2. The causative agent or condition. The laboratory may be able to help determine the causative agent or condition, but not always. Extremely decomposed biological samples make analysis difficult, if not impossible. Moving water may dilute the pesticide to levels below the limits of detection. In these cases, the investigator must rely on circumstantial evidence. Refer to the DPR Investigative Sampling Manual section III (C) (10) for tissue sampling techniques and section III (C) (8) for water sampling techniques.
3. How and when was the pesticide introduced? If the pesticide is known, review the pesticide use reports. Temporary flight strips or field drainage can be a cause. A map of the canal or water course showing direction of flow and extent of kill may reveal a pattern to the kill. Do not overlook applications of aquatic herbicides; large volumes of decaying vegetation depletes oxygen and causes fish kills, even though the herbicide itself is not toxic to the fish.

Emergency Hazardous Materials (Pesticides) Incidents -

Emergency hazardous materials incidents (i.e., pesticide spill or fire) often involve response from multiple agencies, such as fire, law enforcement, emergency medical services, environmental health, Office of Emergency Services, and require mutual aid.

The County Emergency Response Plan will designate lines of communication. In most cases, the CAC should contact the lead agency designated for that county. This is necessary to avoid confusion and duplication of effort during an emergency situation.

Specialized techniques, equipment and organizational concepts are often required for adequate incident response. There are times when a defensive, rather than an offensive, posture is the appropriate response to a hazardous material incident. An offensive posture usually entails immediate aggressive action in a situation where the consequences of abating the hazard are known and the means to respond appropriately are available. A defensive posture is appropriate when the consequences of the responder's action are not clearly understood.

Do not leave a hazardous area unattended under any circumstances. If necessary, request members of the public to telephone your supervisor. Unless thoroughly trained and equipped with adequate protective devices, do not approach a spill or fire site that may involve toxic substances. Any approach, especially of fires, must be from the upwind side.

Consider two things in securing the site: (1) remove unauthorized people and/or keep them away from the area; and (2) prevent the spread of the material insofar as possible. If possible, safely prevent spilled material from entering drainage systems. Containment of liquids may be accomplished by diking with readily accessible materials.

If there is an injured person needing assistance, use good judgment before approaching the site, as you risk the possibility of contaminating or injuring yourself. This is especially important if you are alone at the site.

If contaminated people are accessible, speed is essential. One person should begin first aid treatment while another, if available, calls for assistance. Take precautions such as wearing necessary personal protective equipment to avoid contamination during this process. Decontaminate the victim immediately to stop pesticide exposure. Arrange for or provide transportation of the victim to a medical facility as soon as possible. Save the pesticide container and material, if any remains, or get a readable label to identify the chemical for a physician.

Obtain information on the pesticides involved in an episode from persons at the site or from the driver in the case of a highway spill. Double check the information, if possible, with another source. It is essential to get full information about the chemical, as soon as possible, in order to determine the proper course of action. If possible, obtain intact labels from materials involved for reference. Use binoculars, if available, to read labels from a distance if the site is deemed unapproachable.

COMMUNICATIONS FOR INVESTIGATIVE SAMPLING

Whenever possible, consult your Senior Pesticide Use Specialist or DPR PEB regional office supervisor before taking samples. Discuss the sampling strategy to be used, and identify any possible laboratory problems. If prior contact is not possible, follow the DPR Investigative Sampling Manual.

Prior to shipping the samples, contact your Senior Pesticide Use Specialist or DPR PEB regional office supervisor to determine the destination laboratory. Fax your Senior Pesticide Use Specialist a copy of the Sample Analysis Report and Evidence Record (form PR-ENF-030) and a map or sketch showing the sample sites. Write the date sent and the destination lab on each PR-ENF-030 form.

Be prepared to provide the following information to the laboratory prior to shipping the samples:

- a) The number and type of samples.
- b) The pesticide(s) to be analyzed for.
- c) The circumstances of the investigation such as actual or alleged illness, injury, or damage; any relevant factors; and the enforcement potential.

V. COMPLETING THE INVESTIGATION REPORT

GENERAL COMMENTS

For all pesticide episode investigations, the PEIR form (PR-ENF-127) must be completed. For pesticide episode investigations involving antimicrobials, form PR-ENF-182 may be substituted.

Use the following guidelines to complete the Pesticide Episode Investigation Report form series (PR-ENF-127, PR-ENF-127 A through D, PR-ENF-182). Use the face sheet (PR-ENF-127) for all investigations, with the exception of investigations of exposure to antimicrobials. Complete the face sheet as fully as possible. Use "refer to narrative" or "see attached" only to indicate continuation if sufficient space is not available on the face sheet. For some investigations, the "Summary of Episode" section provides enough space for the entire narrative. It is not necessary to repeat in the narrative information that is clearly stated on the face sheet. If you need more space or to update information at a later time, use the Supplemental Report form (PR-ENF-127A).

When an episode involves several people as witnesses, complainants or injured, use the Episode Witness/Injured/Complainant Report form (PR-ENF-127B) to record specific personal data and avoid the need to prepare several similar narrative reports. The investigator may find this particularly useful for human cluster illness episodes.

A map or sketch contributes greatly to a reader's understanding of the investigative report, particularly to show damage patterns or sampling locations. Use the Episode Site Diagram form (PR-ENF-127C) for this purpose. Existing farm maps may be substituted, when appropriate.

Agricultural field worker dermatitis injuries require the investigator to gather certain specific information relevant to the situation. Use the Field Worker Dermatitis Supplemental Report form (PR-ENF-127D) to provide this data. The simple check box format helps avoid the need for long narrative reports.

Report episodes involving exposure to antimicrobial (disinfectant, sanitizer, etc.) pesticides on the Antimicrobial Exposure Episode Report form (PR-ENF-182) as an alternative to using the face sheet (PR-ENF-127). DPR designed this form for the collection of information pertinent to a worker safety evaluation. The simple check-box format aids the investigator in collecting necessary information. It is not necessary to complete and submit both forms. Additional information on investigating incidents involving antimicrobial pesticides is contained in CAC letters ENF 94-16 and ENF 94-41. ENF 94-41 takes precedence over ENF 94-16 where they conflict.

PESTICIDE EPISODE INVESTIGATION REPORT (PR-ENF-127)

The following guides the investigator in completing the face sheet of the Pesticide Episode Investigation Report form (PR-ENF-127).

General Information -

Page: The face sheet is the first page of all reports, except when using the Antimicrobial Exposure Episode Report form. Use the space to indicate the total number of pages in the report excluding appended records or other supporting evidence.

Received By: State the name of the person within the investigating agency who first received notification about the episode. Do not use this line to record internal agency assignment of investigative duties. The purpose of this information is to document the official notification of the occurrence of the episode and the beginning of the investigation.

Received From: Record the name of the person or source outside the agency who provided the first notification of the episode.

Representing: Record the agency, firm, or organization of person giving the notification.

Date/Time Received: Record the date and time of notification.

Type of Episode: Check appropriate box(es), refer to page C-3. If human effects, indicate the number of people involved. If property loss/damage, indicate the estimated value. If a Report of Loss was filed, use the reported value estimate. Identify the source of the value estimate in the narrative, if not otherwise identified. If environmental effects, identify the type. If none of the above, check other and explain.

Priority Investigation: If the investigation involves a priority episode, check yes and record the priority number assigned by DPR. Otherwise, check no.

Other I.D. No.: This box may be used for case numbers assigned by the CAC or other governmental agencies. There are separate boxes for the WH&S case numbers and priority episode numbers.

County of Occurrence: Write the name the county in which the episode occurred. Do not substitute the designated county number.

Date/Time of Occurrence: Record the date and time the episode occurred. The date must reflect the actual date of occurrence, which may differ from the date listed on the PIR/DFROIL.

Episode Location: Clearly and concisely state where the episode occurred.

Person Notified/Date: For each of the listed agencies, identify anyone notified of the episode. Record the date of notification.

Injured/Complainant Information -

Complaint Signed: Indicate "yes" if the complainant filed a Report of Loss, Nonperformance or Damage form (PR-ENF-008), Report of Human Exposure or Unsafe Condition form (PR-ENF-074) or a signed written statement, otherwise check "no" or "N/A" as appropriate.

Doctor Visited: Check "yes" or "no" to indicate whether the injured person or complainant sought medical attention following the alleged exposure. Check "N/A" if the incident does not involve a human effects episode.

Extent of Injury/Illness: This box is applicable only to *human effects episodes*. Check the appropriate box to indicate the effects. Check one of the following: "fatal" if the person died; "serious" if the person received any treatment (even emergency room) and was hospitalized for 24 hours or more; "symptoms" if the person had any signs or symptoms that were less than "serious"; or "exposed only" if the person did not experience any symptoms of illness or injury.

Activity of Person Exposed/Involved: Indicate the person's specific activity when the exposure occurred. This may be different from occupation. Check "mixer/loader" if the person was preparing pesticides for application when exposed. Check "applicator" if the person was placing, spreading or distributing the pesticide. A person using an antimicrobial product is considered to be an applicator. When the exposure is the result of an identifiable event, such as a splash, spill or broken hose, indicate the worker's actual activity at the time of the event. If a person becomes ill after mixing, loading and applying and there is no readily identifiable exposure event, check both activities. Check "field worker" if exposure occurred while working in a field and not during the pesticide handling process. An applicator applying pesticides in irrigation water (chemigation) is not a field worker. Check "public" if the exposed person was not working at the time. Check "other" if exposure occurred in an occupational setting other than those named above. Clarification of the person's activity in the "explain" space is necessary if "field worker", "public" or "other" is checked. Clarify their actual status or work task.

Name, Address, Age, Sex, Phone: Complete with all known information about the injured/complainant.

WHS No.: Enter the WH&S number, if assigned. WH&S case numbers are assigned to specific individuals.

Workdays Lost: Indicate the number of days the injured/complainant was off work due to the effects of the alleged exposure. Do not count the day the person was first injured and/or sought medical attention. If the length of disability status is not known, indicate "unknown" in the box. If the length of disability is going to be an indefinite period of time, indicate "indefinite" in the box and explain in the narrative.

Medical Facility Name: Record the name of the medical facility (hospital, clinic, etc.) where the person sought medical attention.

Treatment/Observation: Check "treatment provided" if the person received treatment by a physician or medical facility. Check "observation only" if the person was evaluated and released without receiving any treatment.

Hospitalized: Record formal admittance to the hospital. Do not record hospitalization if a person visits the emergency room only and is released.

Date and Time Admitted/Discharged: Record the day and time of both hospital admission and discharge. If the person was admitted directly from the emergency room, count the time spent in the emergency room as hospitalization.

Physician, Address, Phone: Complete with all known information about the principal attending physician.

Signs/Symptoms: List the effects attributed to the exposure by the injured person and/or the physician. Acquire the information from the injured person, when possible. The information provided on the PIR/DFROII may be incomplete or inaccurate.

Employer, Address, Phone: Record all known information about the injured person's employer at the time of the exposure. If self-employed, state "self-employed" in this space.

Protective Measures (Engineering Controls and Personal Protective Equipment) Used: **This section is very important in determining the cause of the illness/injury and how it may have been prevented.** Check the boxes that most accurately describe the protective measures **actually in use** by the injured/complainant at the time of the alleged exposure. If the protection used is not listed, check other and explain in the space provided. If no protective measures were used, check "none". Additional information is listed below for some of the check boxes:

Safety glasses: Safety glasses that provide front and supplemental brow and temple protection (Title 3 CCR section 6738(b)(2)).

Work Clothes and Chemical-Resistant Clothes: CAC letter WHS 89-6 defines the standards for body protection and explains the differences in protection offered by work clothing and chemical resistant clothing.

Coveralls: The type of coverall (i.e. cloth, disposable) should be specified, if known.

Other: The other box should not be checked with the accompanying description of "none" unless the person was not wearing any clothes. A worker wearing ordinary street clothes for work purposes is considered to be wearing "work clothes".

Closed System: See the definition for a “closed system” in Title 3 CCR section 6000.

Enclosed Cab: See the definition for “enclosed cab” in Title 3 CCR section 6000.

Enclosed Cab with Air Purification: See the definition for “enclosed cab acceptable for respiratory protection in Title 3 CCR section 6000.

Environmental or Property Damage -

Description of Damage: Describe the damage and nature of the effects.

Amount/Value: Record the amount or value as estimated by the complainant or the investigator. This value may be stated in terms of acres, tons, trees, or dollar amounts. Identify in the narrative who made the estimate, if not otherwise documented.

Owner, Address, Phone: If the owner is named above as the injured or complainant, state "same as above".

Alleged Respondents -

Status: If you suspect a person or company (PCA, dealer, etc.) of being responsible for the episode, check their status. If "other" is checked, explain in the space provided at the bottom of the Alleged Respondents section.

Name, Address, Phone: Complete with the information known about the person or firm suspected of being responsible for the episode.

License/Permit No.: If the person or firm holds a license or permit, record the type and number. If more than one, record the type most directly related to activities that allegedly contributed to the episode.

Recommendation Made: Indicate if a recommendation for the application was made by a Licensed Pest Control Adviser. If a recommendation was made, record the number in the space provided.

Employer's Name, Address: Record the name and address of the respondent's employer. If self-employed, state "self-employed". For non-occupational cases, an N/A is appropriate.

Pesticide Information -

Pesticide Name/Manufacturer: Record the brand name of the pesticide and the manufacturer. Record this information for all pesticides (including adjuvants) as well as any fertilizers in the tank mix. For cases involving residue, list all materials applied to the field(s) of interest for the previous 30 to 60 day period. List the pesticides from the most recent application here and identify the balance in the narrative.

EPA Registration Number: Enter the EPA registration number from the pesticide product label. Record the number exactly as it is printed on the label.

Category: Enter the toxicity category of the pesticide product as indicated by the signal word on the label.

Dose/Dilution/Volume: Enter the amount of pesticide product, diluent and mixture applied per unit (for example: 2 lb. product/100 gallons water/acre).

Treatment Date: Record the date of application or use.

Commodity/Site Treated: Record the crop, site or item treated.

Equipment Type/Make/Model/Description: Identify as clearly as possible the application equipment used in the episode. Examples of equipment are air blast sprayer, boom sprayer, backpack sprayer and 2-gallon sprayer. Be sure to include any identification number used by the firm. Describe the location and configuration of the nozzles. Record the use of electrostatic equipment or other technologies.

Episode Narrative -

Summary of Episode: Used this area for the narrative report. If the episode is more complicated, this space should be used to provide a brief summary of the episode, with the actual narrative beginning on the Pesticide Episode Investigation Supplemental Report form (PR-ENF-127A). Describe the specific events leading to exposure, if known. Include in the narrative, a description of the evidence collected (samples, records, other physical evidence) during the investigation.

Report Prepared By: The investigator should sign and date the report when it is completed.

Report Reviewed/Approved By: The CAC supervisor or deputy commissioner who reviews the report should also sign and date the report. While review is not mandatory, it is suggested that a review process be set up to maintain quality control over the investigative reports.

PESTICIDE EPISODE INVESTIGATION SUPPLEMENTAL REPORT (PR-ENF-127A)

The following is a guide for completing the Pesticide Episode Investigation Supplemental Report form (PR-ENF-127A). Use this report form if more space is needed for the narrative report or if it is necessary to update information.

Page: Indicate where in the sequence of the report this sheet is located.

Location/Subject: Use a title or statement to identify the episode to which this relates (such as name of injured/complainant or nature of effects) or the content of the supplemental report.

Priority/WH&S No.: If the episode is a priority investigation, record the assigned priority number in this box. If the episode is not a priority investigation and involves human exposure, record the WH&S number(s) in this box (if one has been assigned).

Other I.D. No., County of Occurrence & Date of Occurrence: See directions for PR-ENF-127.

Narrative Continuation/Supplemental Report: Check "narrative continuation" if the form is used with the face sheet. If the form is used to amend a report or add additional information to a previous report, it is considered a "supplemental" report. If neither of these situations is appropriate, check "other" and explain.

Remarks: Include all available information obtained during the investigation (refer to Part IV for information to be included). Remember, even negative findings have a bearing on the case. In addition, negative findings demonstrate the investigation was thorough. Lack of this kind of information implies that the investigator did not look into aspects of the episode not covered in the written report.

Report Prepared By & Report Reviewed/Approved By: See directions for PR-ENF-127.

EPISODE WITNESS/INJURED/COMPLAINANT REPORT (PR-ENF-127B)

Use the following as a guide when completing the Episode Witness/Injured/Complainant supplement (PR-ENF-127B) of the Pesticide Episode Investigation Report. Use this report form to document other people involved in the episode.

A face sheet (PR-ENF-127) must be submitted with the report even when using this form.

The Witness/Injured/Complainant section must be completed for each injured person. For one person, this information can be completed on the face sheet instead. All other people should be put on the Episode/Witness/Injured/Complaint form (PR-ENF-127B). DPR will return Pesticide Episode Investigation Reports submitted without this section completed for those injured.

Page: Indicate where in the sequence of the report this sheet is located.

For all other sections of this form, refer to the corresponding description for PR-ENF-127.

EPISODE SITE DIAGRAM (PR-ENF-127C)

Use the following information as a guide when completing the Episode Site Diagram supplement (PR-ENF-127C) of the Pesticide Episode Investigation Report.

Page, Location/Subject, Priority/WHs No., Other I.D. No., County of Occurrence & Date of Occurrence: See PR-ENF-127A.

Site Diagram: Draw or sketch a clear diagram or map of the area that shows all important information. Be sure to indicate the direction and all pertinent landmarks.

Legend and Comments: Include any information that will make the map readable.

Report Prepared By & Report Reviewed/Approved By: See PR-ENF-127.

FIELD WORKER DERMATITIS SUPPLEMENTAL REPORT (PR-ENF-127D)

The following is a guide for completing the Field Worker Dermatitis supplement (PR-ENF-127D) of the Pesticide Episode Investigation Report. This form is to be used only for agricultural field worker (not mixer/loader, applicator) dermatitis cases. A separate form should be completed for each injured employee.

Page, WHs No., Other I.D. No., County of Occurrence & Date of Occurrence: See PR-ENF-127a.

Person Providing Information -

Person Contacted: Check person(s) contacted during the investigation.

Translation: Does the contacted person(s) speak English? If not, who served as the translator?

Commodity and Work Activity Information -

Date of onset: Can the person recall when the dermatitis was first noticed? If so, please record the date in the space provided.

Record the commodity and site worked on the date of onset. Also record the site I.D. number, the block I.D. and the variety.

Field Condition: Check any of the field conditions the worker remembers, even if the exact location cannot be identified.

Specific Work Activity: Identify the **specific** work activity the worker was engaged in when the dermatitis was first noticed.

Application History -

Application History for Field of Onset: List all pesticides (including adjuvants) that have been applied within the previous 30 days. A 60-day spray history is even better, if available. If pesticides were not applied within the previous 60 day period, specify this in the narrative and list the last application made to the field in question.

Application History Supplied By: Record the name and title of the person who provided the information for the application history.

Time Before Entry: Record the actual number of days between the last application and entry by the injured person. This may have no relationship to the legal reentry interval.

Exposure Information and Medical History -

Dermatitis Symptoms Experienced: Check all boxes that apply to indicate the nature of the dermatitis.

Location(s) on the Body: Check all boxes that apply to indicate the areas of the body affected.

Previous Medical History: Indicate if the employee recalls having a previous history of any of the conditions listed.

Protective Clothing Worn: Check the appropriate box to indicate what the employee remembers wearing to work at the onset of the dermatitis. When checking the 'other' box, please specify the type of clothing worn.

Comments: Record any information specific to the subject of the report that will assist in determining how exposure occurred and the extent of exposure.

Report Prepared By & Report Reviewed/Approved By: See PR-ENF-127.

ANTIMICROBIAL EXPOSURE EPISODE REPORT (PR-ENF-182)

Use the following as a guide when completing the Antimicrobial Exposure Episode Report form (PR-ENF-182). The use of this form is **optional**. It may be used instead of the face sheet

(PR-ENF-127), but **only** for episodes involving antimicrobial (disinfectants, sanitizers, etc.) products.

If an exposure episode involves more than one person the investigator should:

(1) complete a separate form PR-ENF-182 for each person exposed; or (2) if the exposure information is the same for all people involved, form PR-ENF-127B may be used to record specific personal information.

Page: Indicate where in the sequence of the report this sheet is located, usually first as the alternative face sheet. Indicate the total number of pages in the report, excluding appended records and supporting evidence.

Priority/WHS No.: See PR-ENF-127A.

Other I.D. No., County of Occurrence, Date of Occurrence, Name, Age, Sex, Days in Hospital, Workdays Lost: See PR-ENF-127.

Employer Name, Address, Type of Business: Record all known information about the injured's employer at the time of exposure (e.g. restaurant, hospital, etc.). If self-employed, state 'self-employed' in the employer name box.

Specific Work Activity at Time of Exposure: Record the specific activity of the injured at the time of exposure (e.g., cleaning tables, mopping floors, mixing the disinfectant, etc.).

Site/Area Treated: Record the site or area on which the antimicrobial was used.

Signs or Symptoms Experienced: List the effects attributed to the exposure by the injured and/or physician. Do not assume the PIR/DFROII is accurate or complete.

Protective Measures Used at time of Incident: Check the boxes that most accurately describe the protective measures **actually in use** by the injured at the time of the alleged exposure. A box in each section (eye protection, hand/arm protection, and other protective equipment) should be checked, even if no protective measures were in use. If the protection used is not listed, check other and explain in the space provided. If no protective equipment is used, check none. See PR-ENF-127 for additional information.

Pesticide Name/Manufacturer, EPA Registration Number, Category, Dose/Dilution/Volume, Treatment Date: See PR-ENF-127.

Summary of Exposure Episode: Use this space for the narrative report. If the episode is more complicated, use this space to provide a brief summary of the episode, with the actual narrative beginning on the narrative supplement (PR-ENF-127A). Describe the specific events leading to exposure.

Report Prepared By & Report Reviewed/Approved By: See PR-ENF-127.

VI. DISPOSITION OF THE EPISODE

GENERAL INFORMATION

After the investigation is complete, evaluate the need for further action. If the investigation uncovered violations of labeling, laws or regulations, the CAC needs to consider appropriate enforcement action. Consult the DPR Enforcement Guidelines when considering enforcement actions. You may need to consult with the Senior Pesticide Use Specialist. Retention of all reports by the CAC should be according to CAC policy.

PRIORITY EPISODE INVESTIGATIONS

For all types of priority episode investigations, forward the investigator's report along with all supporting documents (i.e., results from analyses of samples collected, sales invoices, written recommendations, copies of only the pertinent pages of the labels, photographs or sketches, medical records, coroner's report, use permits, notices of intent, training records, etc.) to the appropriate PEB regional office. The Senior Pesticide Use Specialist will forward the completed investigative report to Pesticide Enforcement headquarters in Sacramento and to WH&S. DPR sends a summary report to US EPA on each priority episode investigation. The CAC will receive a copy of this report.

HUMAN EFFECTS EPISODES

All human effects investigations are forwarded to the appropriate PEB regional office for review. The investigations are then forwarded to WH&S for review and evaluation.

EMPLOYEE COMPLAINTS

The complainant has the right to receive a written report of the investigator's findings. Inform the complainant of any actions taken relative to the complaint and the reasons for such action (Labor Code section 6309, see Appendix C). This report should be specific and normally in the form of a letter to the complainant. If DIR referred the complaint to the CAC, that agency should receive a copy of the investigator's findings.

ILLEGAL RESIDUE

All reports of illegal residue (no tolerance established and over tolerance) should be forwarded to the appropriate Senior Pesticide Use Specialist at the PEB regional office.

ENVIRONMENTAL EFFECTS, PROPERTY LOSS OR DAMAGE

Maintain all non-priority episode investigation reports concerning property loss, animal (domestic and wild), fish or bird poisonings, or other environmental effects at the CAC office.

PUBLIC DISCLOSURE OF RECORDS

The California Public Records Act (Government Code sections 6250 et seq.) governs the release of public records by local governmental agencies. Completed investigative reports are generally considered public records and subject to disclosure. However, certain documents and information, such as personnel, medical and similar information are generally protected from disclosure to the public.

CAC civil penalty actions are legal proceedings. The respondent in a civil penalty action has the right to see the agricultural commissioner's evidence (FAC section 12999.5). This may include protected documents such as DFROIs and other medical records that are used as supporting evidence of a

violation or the seriousness of a violation. Although released to the respondent in a civil penalty action legal proceeding, the Public Records Act provides that the medical information remains protected from public disclosure. See Appendix F for additional information.

For further guidance on specific record requests, contact your local county counsel's office.

VII. APPENDIX

- A. Acronym Index
- B. Health and Safety Code Sections 105200 - 105225 (Pesticide Illness and Spill Reporting Requirements).
- C. Labor Code Sections 6309, 6310 & 6313 (Employee Complaints and DIR Investigation of Occupational Cases).
- D. District Offices of DIR, Division of Workers' Compensation (Addresses and telephone numbers).
- E. Interview Questions for Exposures and Illnesses
 - Pesticide Handler – Employee
 - Pesticide Handler – Employer
 - Flagger
 - Field Worker Exposed to Pesticide Drift
 - Field Worker Exposed to Pesticide Residue
 - Private Citizen Exposed to Pesticide Drift
 - Private Citizen Exposed to Pesticide Residue
- F. Memorandum covering Public Disclosure of Records

Appendix A

Acronym Index

Acronym	Name
CAC	County Agricultural Commissioner
CACASA	County Agricultural Commissioners and Sealers Association
Cal/OSHA	California Occupational Health and Safety Administration
CCR	California Code of Regulations
DFG	Department of Fish and Game
DFR	Dislodgeable foliar residue
DFROII	Doctor's First Report of Occupational Illness and Injury
DIR	Department of Industrial Relations
DPR	Department of Pesticide Regulation
FAC	Food and Agricultural Code
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
PEIR	Pesticide Episode Investigation Report
PETR	Pesticide Episode Transmittal Record
PIR	Pesticide Illness Report
PPE	Personal protective equipment
PEB	Pesticide Enforcement Branch
REI	Restricted entry interval
US EPA	United States Environmental Protection Agency
WHS/WH&S	Worker Health and Safety Branch

Appendix B

HEALTH AND SAFETY CODE SECTION 105200-105225

105200. Any physician and surgeon who knows, or has reasonable cause to believe, that a patient is suffering from pesticide poisoning or any disease or condition caused by a pesticide shall promptly report that fact to the local health officer by telephone within 24 hours and by a copy of the report required pursuant to subdivision (a) of Section 6409 of the Labor Code within seven days, except that the information which is available to the physician and surgeon is all that is required to be reported as long as reasonable efforts are made to obtain the information.

Each local health officer shall immediately notify the county agricultural commissioner and, at his or her discretion, shall immediately notify the Director of Environmental Health Hazard Assessment of each report received and shall report to the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Industrial Relations, on a form prescribed by the Director of Environmental Health Hazard Assessment, each case reported to him or her pursuant to this section within seven days after receipt of the report.

The Office of Environmental Health Hazard Assessment shall designate a phone number or numbers for use by local health officers in the immediate notification of the office of a pesticide poisoning report. The office shall from time to time establish criteria for use by the local health officers in determining whether the circumstances of a pesticide poisoning warrants the immediate notification of the office.

In no case shall the treatment administered for pesticide poisoning or a condition suspected as pesticide poisoning be deemed to be first aid treatment.

Any physician and surgeon who fails to comply with the reporting requirements of this section or any regulations adopted pursuant to this section shall be liable for a civil penalty of two hundred fifty dollars (\$250). For the purposes of this section, failure to report a case of pesticide poisoning involving one or more employees in the same incident shall constitute a single violation. The Division of Occupational Safety and Health of the Department of Industrial Relations shall enforce these provisions by issuance of a citation and notice of civil penalty in a manner consistent with Section 6317 of the Labor Code. Any physician and surgeon who receives a citation and notice of civil penalty may appeal to the Occupational Safety and Health Appeals Board in a manner consistent with Section 6319 of the Labor Code.

Each local health officer shall maintain the ability to receive and investigate reports of pesticide poisoning at all times pursuant to Section 12982 of the Food and Agricultural Code.

105205. The Office of Environmental Health Hazard Assessment shall develop and implement, in cooperation with local health officers and state and local medical associations, a program of medical

education to alert physicians and other health care professionals to the symptoms, diagnosis, treatment, and reporting of pesticide poisoning.

105210. After consultation with the county agricultural commissioner or the Director of Agriculture, the local health officer may, upon his determination that pesticide poisoning is serious and that an outbreak in pesticide poisoning or any disease or condition caused by pesticide poisoning has occurred in his county, request assistance by the state department. Upon such request, the director shall provide the local health officer with the necessary staff and technical assistance to conduct an epidemiologic investigation of the outbreak, and where appropriate, shall make recommendation to control or prevent such poisoning outbreaks.

105215. Any public employee, as defined in Section 811.4 of the Government Code, whose responsibilities include matters relating to health and safety, protection of the environment, or the use or transportation of any pesticide and who knows, or has reasonable cause to believe, that a pesticide has been spilled or otherwise accidentally released, shall promptly notify the local health officer or the notification point specified in the local hazardous materials response plan, where such a plan has been approved by the State Office of Emergency Services and is in operation. The operator of the notification point shall immediately notify the local health officer of the pesticide spill report.

The local health officer shall immediately notify the county agricultural commissioner and, at his or her discretion, shall immediately notify the Director of Environmental Health Hazard Assessment of each report received. Within seven days after receipt of any report, the local health officer shall notify the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Industrial Relations, on a form prescribed by the Director of Environmental Health Hazard Assessment, of each case reported to him or her pursuant to this section.

The Office of Environmental Health Hazard Assessment shall designate a phone number or numbers for use by local health officers in the immediate notification of the office of a pesticide spill report. The office of shall from time to time establish criteria for use by the local health officers in determining whether the circumstances of a pesticide spill warrants the immediate notification of the office.

105220. The Director of Environmental Health Hazard Assessment shall maintain a file of all the reporting forms received from local health officers pursuant to Section 105215 at the repository of current data on toxic materials established pursuant to Section 147.2 of the Labor Code. The file shall be open to the public and shall be indexed at least to the extent of the following:

- (a) The county of the accidental release.
- (b) The type of pesticide involved.

105225. Each public employer of a public employee subject to Section 105215 shall post in one or more prominent places frequented by such employee a notice informing such employee of the responsibility imposed by Section 105215.

Appendix C

LABOR CODE SECTIONS 6309, 6310, 6313

6309. Whenever the division learns or has reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings. However, when the division secures a complaint from an employee, the employee's representative, or an employer of an employee directly involved in an unsafe place of employment, that his or her employment or place of employment is not safe, it shall, with or without notice or hearing, summarily investigate the same as soon as possible, but not later than three working days after receipt of a complaint charging a serious violation, and not later than 14 calendar days after receipt of a complaint charging a nonserious violation. For purposes of this section, a complaint shall be deemed to allege a serious violation if the division determines that the complaint charges that there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in a place of employment. All other complaints shall be deemed to allege nonserious violations. The division may enter and serve any necessary order relative thereto. The division is not required to respond to any complaint within this period where, from the facts stated in the complaint, it determines that the complaint is intended to willfully harass an employer or is without any reasonable basis.

The division shall keep complete and accurate records of any complaints, whether verbal or written, and shall inform the complainant, whenever his or her identity is known, of any action taken by the division in regard to the subject matter of the complaint, and the reasons for the action. The records of the division shall include the dates on which any action was taken on the complaint, or the reasons for not taking any action on the complaint. The division shall, pursuant to authorized regulations, conduct an informal review of any refusal by a representative of the division to issue a citation with respect to any alleged violation. The division shall furnish the employee or the representative of employees requesting the review a written statement of the reasons for the division's final disposition of the case.

The name of any person who submits to the division a complaint regarding the unsafeness of an employment or place of employment shall be kept confidential by the division unless that person requests otherwise.

The requirements of this section shall not relieve the division of its requirement to inspect and assure that all places of employment are safe and healthful for employees. The division shall maintain the capability to receive and act upon complaints at all times.

6310. (a) No person shall discharge or in any manner discriminate against any employee because the employee has done any of the following:

- (1) Made any oral or written complaint to the division, other governmental agencies having statutory responsibility for or assisting the division with reference to employee safety or

health, his or her employer, or his or her representative.

- (2) Instituted or caused to be instituted any proceeding under or relating to his or her rights or has testified or is about to testify in the proceeding or because of the exercise by the employee on behalf of himself, herself, or others of any rights afforded him or her.
- (3) Participated in an occupational health and safety committee established pursuant to Section 6401.7.

(b) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because the employee has made a bona fide oral or written complaint to the division, other governmental agencies having statutory responsibility for or assisting the division with reference to employee safety or health, his or her employer, or his or her representative, of unsafe working conditions, or work practices, in his or her employment or place of employment, or has participated in an employer-employee occupational health and safety committee, shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law, is guilty of a misdemeanor.

6313. (a) The division shall investigate the causes of any employment accident which is fatal to one or more employees or which results in a serious injury or illness, or a serious exposure, unless the division determines an investigation is unnecessary, in which case the division shall summarize the facts indicating that the accident need not be investigated and the means by which the facts were determined. The division shall establish guidelines for determining the circumstances under which an investigation of these accidents and exposures is unnecessary.

(b) The division may investigate the causes of any other industrial accident or occupational illness which occurs within the state in any employment or place of employment, or which directly or indirectly arises from or is connected with the maintenance or operation of the employment or place of employment, and shall issue any orders necessary to eliminate the causes and to prevent reoccurrence. The orders shall not be admitted as evidence in any action for damages, or any proceeding to recover compensation, based on or arising out of injury or death caused by the accident or illness.

Appendix D

Department of Industrial Relations, Division of Workers' Compensation (DWC)

For general information call 1-800-736-7401

Headquarters -- San Francisco: (415) 975-0730
45 Fremont St. Suite 3160 - CA 94105

Information and assistance officers can be reached at any of the DWC district offices.

Anaheim, 92801

1661 No. Raymond Ave.,
Suite 200
(714) 738-4038

Pomona, 91768

971 Corporate Center Drive
(909) 623-8568

Santa Ana, 92701-4701

28 Civic Center Plaza,
Room 451
(714) 558-4597

Bakersfield, 93301

1800 30th St., Suite 100
(805) 395-2514

Redding, 96001-2796

2115 Akard, Room 21
(530) 225-2047

Santa Barbara, 93101

1525 State Street, Suite 102
(805) 966-9872

Eureka, 95501-0421

100 "H" Street, Room 201
(707) 441-5723

Riverside, 92501

3737 Main Street, Room 300
(909) 782-4347

Santa Monica, 90405

2701 Ocean Park Blvd.,
Suite 222
(310) 452-1188

Fresno, 93721-2280

2550 Mariposa Street,
Room 2035
(559) 445-5355

Sacramento, 95825

2424 Arden Way, Suite 230
(916) 263-2741

Santa Rosa, 95404

50 "D" Street, Room 430
(707) 576-2452

Grover Beach, 93433-2261

1562 Grand Avenue
(805) 481-3296

Salinas, 93906-3487

1880 North Main Street,
Suite 100
(831) 443-3058

Stockton, 95202-2314

31 East Channel Street,
Room 450
(209) 463-6201

Long Beach, 90802-4460

300 Oceangate Street,
3rd Floor
(562) 590-5240

San Bernardino, 92401

464 W. Fourth Street,
Suite 360
(909) 383-4522

Van Nuys, 91401-3373

6150 Van Nuys Blvd.,
Room 105
(818) 901-5374

Los Angeles, 90012

107 South Broadway,
Room 4107
(213) 897-1446

San Diego, 92101

1350 Front Street, 3rd Floor,
Room 3012
(619) 525-4589

Ventura, 93003-6085

5810 Ralston Street,
Room 115
(805) 654-4701

Oakland, 94612 2229

Webster Street. Room 300
(510) 286-1358

San Francisco, 94102 30 Van

Ness Avenue,
Room 3700
(415) 557-1954

Walnut Creek, 93906

175 Lennon Lane, Room 200
(925) 977-8343

San Jose, 95113

100 Paseo de San Antonio,
Room 240
(408) 277-1292

Source: http://www.dir.ca.gov/Dir/Workers'_Compensation/DWC/landA.html

Appendix E

1. Interview Questions for Exposures and Illnesses - English

A. Pesticide Handler – Employee

Record the name of the interviewer, date, time, and location. The name, address, age, gender, telephone number, and work activity of the interviewee also needs to be recorded.

1. Who is your employer?
2. When did the exposure occur?
3. Where did the exposure occur?
4. How did the exposure occur? Was it dermal or ingestion?
5. What pesticide(s) were you handling?
6. What type of application equipment were you using?
7. What personal protective equipment (PPE) were you given?
8. What PPE were you wearing?
9. What did you do after you were exposed to the pesticide?
10. Did you notify anyone of the exposure? Who?
11. Did you feel sick? If yes:
 - a. When did you start feeling sick?
 - b. What were your symptoms?
 - c. How long did you have symptoms?
12. Did you go to a doctor or hospital? If yes:
 - a. Who took you to the doctor or hospital?
 - b. When did you see a doctor?
 - c. What treatment did you receive?
 - d. Were you hospitalized? If yes, how long?
13. How many days of work did you miss?
14. Were you eating or smoking at any time during your activities?
15. Did you feel sick before coming to work? If yes, explain.
16. Who maintains the PPEs and how often are they inspected?
17. Are clean clothes provided and worn every day?
18. Did you have access to soap, water, and towels at the work site?
19. Do you know where emergency medical information is posted?
20. Do you know what medical supervision means? (If applicable)
21. Describe the pesticide training and instruction you have received?
22. Who gave you the training?
23. Was the training specific to each pesticide you handle?
24. Did you review and sign your training records?
25. What were the weather conditions?
26. Was anyone else working with you? Were they exposed and did they feel sick? If yes, obtain names so they can be interviewed.
27. How often are you supervised?

Note: Obtain a two-week work history from the employer's records.

B. Pesticide Handler -- Employer

Record the name of the interviewer, date, time and location.

1. Identify the person, company name, address, telephone number, and type of license or certificate.
2. Who is responsible for the supervision of the employee(s)?
3. Were you notified of the employee(s)' exposure? When? By whom?
4. What did you do after you were notified?
5. How did the exposure occur?
6. Where did the exposure occur?
7. When did the exposure occur?
8. What pesticide(s) was the employee handling?
9. How many days of work were lost?
10. Was the employee hospitalized? If yes, how long?
11. What personal protective equipment (PPE) was provided to the employee(s)?
12. How do you make sure that the employee(s) wear their PPE?
13. Describe your personal protective equipment maintenance program.
14. How do you make sure that your application equipment is in good repair and safe to operate?
15. Do you provide a clean change area for your employee(s)?
16. Is clean clothing provided to and worn by your employee(s) daily?
17. Do you provide soap, water, and towels at the work site?
18. Who trained the employee(s)?
19. Describe your pesticide training program?
20. Describe your medical supervision program? (If applicable)
21. Describe your emergency medical care program.
22. What procedures do you follow if an employee(s) is exposed, ill or injured?

Notes: Reviewing training and medical records during the interview may cause distractions.

Close your interview with the employer before you begin your review of the documented training and medical supervision records.

Obtain a 2-week work history from the employer's records.

C. Flagger

Record the name of the interviewer, date, time, and location. The name, address, age, gender, telephone number, and work activity of the interviewee also needs to be recorded.

1. Who is your employer? Who is your supervisor?
2. How long have you been working as a flagger?
3. At the time of exposure, did you know what pesticides were applied?
4. Who was making the application?
5. Describe the type of aircraft used.
6. Where did the exposure occur?
7. When did it occur?
8. How did the exposure occur?
9. What was your location?
10. What was the distance between you and the applicator?
11. What were the weather conditions at the time of the exposure? Did they change during the application?
12. Did you come in direct contact with the pesticide? Describe what you felt, tasted, saw, and smelled during this experience.
13. What did you do after you were exposed?
14. Did you notify anyone of the exposure? Who and when?
15. Did you develop any symptoms? Describe your symptoms and when they began.
16. How many work days did you miss?
17. Were you hospitalized? If yes, how long?
18. Was anyone else working with you when the exposure occurred? If yes, obtain names so they can be interviewed.
19. Were they exposed?
20. Did you notify anyone of the exposure? If so, who was notified?
21. What personal protective equipment were you provided?
22. What personal protective equipment were you wearing?
23. Who maintains the personal protective equipment? How often is it maintained, checked, or repaired?
24. Is clean clothing provided to you and worn daily?
25. Were soap, water, and towels available to you at the worksite?
26. Can you describe the training and instruction you have received?
27. Who provided the training?
28. Did you review and sign your training records?
29. Do you know where emergency medical care information is posted?
30. Do you know what medical supervision means?

Note: Obtain a two-week work history from the employer's records.

D. Field Worker Exposed to Pesticide Drift

Record the name of the interviewer, and the date, time, and location of the interview.

The name, address, age, gender, telephone number, and work activity of the interviewee also needs to be recorded.

1. Who is your employer?
2. When did the exposure occur?
3. Where did your exposure occur?
4. How did your exposure or illness occur?
5. What were your work activities the day you were exposed or became ill?
6. Describe what was happening in the area around you.
7. Did you notice an application of pesticides?
8. When did you notice it?
9. When did you first experience contact with the pesticide? Describe what you smelled, saw, felt, and tasted during this experience.
10. Describe the weather conditions on that day?
11. Describe the application equipment -- plane, helicopter, tractor, etc.
12. How far were you from the application?
13. When did you start feeling ill?
14. What were your symptoms?
15. How long did you have the symptoms?
16. Have you felt that way before? When?
17. How long were you ill?
18. Were you unable to come to work? If not, how many days did you lose?
19. Were you hospitalized? If yes, how long?
20. What clothing and or protective equipment were you wearing?
21. Did you tell your supervisor that you felt ill? When?
22. Did you go to the doctor or the hospital?
23. When did you see the doctor?
24. How did you get to the doctor or hospital?
25. Was anyone else working near you?
26. Were they exposed? Did they feel ill? If yes, obtain names so they can be interviewed.
27. Did they see a doctor or go to the hospital?

Note: Obtain a two-week work history from the employer.

E. Field Worker Exposed to Pesticide Residue

Record the name of the interviewer, and the date, time and location of the interview. The name, address, age, gender, telephone number, and work activity of the interviewee must also be recorded.

1. Who is your employer?
2. What fields did you work in the day you were exposed?
3. When did you enter the field?
4. Where did you enter the field?
5. What were your work activities the day you were exposed?
6. When did your exposure occur?
7. How long did you work in the field?
8. How did you get to the field(s)? (e.g., drove yourself or rode with another employee.)
9. Describe the weather conditions on that day.
10. Did you smell or taste anything unusual?
11. What did it smell or taste like?
12. When did you start feeling sick?
13. Where were you when you started feeling sick?
14. What were your symptoms?
15. How long did you have the symptoms?
16. Have you felt these same symptoms before when working in this kind of crop? If so, when?
17. Did anyone else in your household have the same symptoms?
18. Did you shower when you finished work that day?
19. Did you put on clean clothes when you finished work that day?
20. How many people are in your work crew?
21. Did anyone else have symptoms? If yes, obtain names so they can be interviewed.
22. Did you tell your supervisor that you felt ill? When?
23. Did you go to the doctor or the hospital?
24. How did you get to the doctor or hospital?
25. What was the size of the crop in the field where you were working?
26. Were any fields you worked in posted?
27. Where were the signs located?
28. Were there any signs posted in adjacent fields?
29. Did you enter any adjacent fields, i.e. to eat lunch? If yes, did you contact the foliage?
30. Were you unable to come to work? If so, how many days did you miss?
31. Were you hospitalized? If yes, how long?
32. Did you eat or drink anything unusual on the day when you first had the symptoms?
33. Did you drink water from the irrigation valves?
34. Are you sensitive to any chemicals? If so, which ones?

Note: Obtain a two-week work history from the employer.

F. Private Citizen Exposed to Pesticide Drift

1. When did the exposure occur?
2. Where did the exposure occur?
3. Did you smell, see, taste, or feel anything unusual after exposure?
4. What did it smell, taste, or feel like?
5. Did you see any pesticide application taking place nearby?
6. Where did the application occur?
7. What was the distance between you and the application?
8. Describe the application equipment?
9. Describe the weather conditions on that day?
10. When did you start feeling sick?
11. What were your symptoms?
12. How long did your symptoms last?
13. Did you seek medical attention? Where? When?
14. Did you notify anyone of the problem? Who?
15. Was anyone else exposed?
16. Did they seek medical attention?

G. Private Citizen Exposed to Pesticide Residue

1. When did the exposure occur?
2. Where did the exposure occur?
3. Was a pesticide application made on or near the property?
4. What pesticides were applied?
5. Who made the application?
6. When was it made?
7. Where was it made?
8. Did you smell or taste anything unusual?
9. When did you first notice the unusual smell or taste?
10. What did it smell or taste like?
11. When did you start feeling ill?
12. What were your symptoms?
13. How long did your symptoms last?
14. Did you seek medical attention? When? Where?
15. Was anyone else exposed?
16. Did you notify anyone of the problem? Who?

2. Interview Questions for Exposures and Illnesses - Spanish

A. Manipulador de Pesticidas - Empleado

Anote el nombre del entrevistador, día, hora y lugar. También se debe anotar el nombre, dirección, edad, género, número de teléfono, y actividad de trabajo del entrevistado.

1. Quién es su patrón?
2. Cuándo ocurrió la exposición?
3. Dónde ocurrió la exposición?
4. Cómo ocurrió la exposición? Fue a través de la piel o por ingestión?
5. Qué pesticida(s) estaba manipulando?
6. Qué tipo de equipo de aplicación estaba usando?
7. Qué tipo de equipo de protección personal (PPE) le entregaron?
8. Qué tipo de equipo de protección personal estaba usando?
9. Qué hizo después de sufrir la exposición a pesticida?
10. Dió aviso a alguien de la exposición? Quién?
11. Se sintió enfermo? Y si fue así:
 - Cuándo se empezó a sentir mal?
 - Cuáles fueron sus síntomas?
 - Cuánto tiempo le duraron los síntomas?
12. Fue al doctor o a un hospital? Y si fue así:
 - Quién lo llevó al doctor o a un hospital?
 - Cuándo vió a un doctor?
 - Qué tratamiento recibió?
13. Fue hospitalizado? Por cuanto tiempo?
14. Cuántos días faltó al trabajo?
15. Estaba usted comiendo o fumando mientras realizaba sus labores de trabajo?
16. Se sentía mal antes de salir a trabajar? Explique.
17. Quién mantiene los PPE y cada cuánto tiempo son inspeccionados?
18. Se les entrega ropa limpia todos los días? Se pone usted ésta ropa todos los días?
19. Tiene usted acceso a jabón, agua y toallas en el lugar de trabajo?
20. Usted sabe dónde se pone la información de emergencia médica?
21. Usted sabe lo que significa la supervisión médica? (Si es aplicable)
22. Describa el entrenamiento e instrucción de pesticida que usted ha recibido?
23. Quién le dió el entrenamiento?
24. El entrenamiento fue específico para cada pesticida que usted maneja?
25. Usted revisó y firmó sus registro de entrenamiento?
26. Cuáles eran las condiciones del tiempo?
27. Había alguna otra persona trabajando con usted? Fueron expuestos al pesticida? Se sintieron mal?
Si la respuesta es afirmativa obtenga nombres para entrevistarlos.
28. Con qué frecuencia lo supervisan?

Nota: Obtenga de los registros del empleador un historial de trabajo de dos semanas.

B. Manipulador de Pesticidas - Empleador

Anote el nombre del entrevistador, día, hora y lugar.

1. Identifique la persona, nombre de la compañía, número de teléfono, y clase de licencia o certificado.
2. Quién es el responsable de la supervisión del empleado(s)?
3. Dónde notifica usted la exposición de los empleado(s)? Cuándo? Quién las hace?
4. Qué hizo usted después que le notificaron?
5. Cómo ocurrió la exposición?
6. Dónde ocurrió la exposición?
7. Cuándo ocurrió la exposición?
8. Qué pesticida(s) estaba manipulando el empleado?
9. Cuántos días se perdieron de trabajo?
10. Fue hospitalizado el empleado? Por cuánto tiempo?
11. Qué clase de equipo de protección personal (PPE) le entregaron al o los empleado(s)?
12. Cómo se asegura usted que el empleado(s) use su PPE?
13. Describa su programa de la mantención del equipo de protección personal
14. Cómo se asegura usted de que su equipo de aplicación de pesticida está en buenas condiciones y su operación no es peligrosa?
15. Le proporciona usted a sus empleado(s) un área limpia para cambiarse?
16. Se le entrega ropa limpia al empleado diariamente? Usa el empleado esta ropa diariamente?
17. En el lugar de trabajo usted provee de jabón, agua, y toallas?
18. Quién entrena al empleado(s)?
19. Describa su programa de entrenamiento de pesticidas?
20. Describa su programa de supervisión médica? (Si corresponde)
21. Describa su programa de cuidado de emergencia médica? (Si corresponde)
22. Que procedimientos sigue usted si un empleado se expone, se enferma o se lesiona?

Notas: Si usted revisa los registros de entrenamiento y medicos durante la entrevista, ésto puede causar distracciones. Cierre su entrevista con el empleador antes de comenzar su revisión de los records de entrenamiento y de supervisión médica documentados.

Obtenga de los registros del empleador un historial de trabajo de dos semanas.

C. Banderillero

Anote el nombre del entrevistador, día, hora y lugar. También se debe anotar el nombre, dirección, edad, género, número de teléfono, y actividad de trabajo del entrevistado.

1. Quién es su patrón? Quién es su supervisor?
2. Cuánto tiempo lleva trabajando como banderillero?
3. En el momento de la exposición, usted sabía que pesticidas se estaban aplicando?
4. Quién estaba haciendo la aplicación?
5. Describa el tipo de avión utilizado.
6. Dónde ocurrió la exposición?
7. Cuándo ocurrió la exposición?
8. Cómo ocurrió la exposición?
9. Cuál era su ubicación?
10. Cuál era la distancia entre usted y el aplicador?
11. Cuál eran las condiciones del tiempo en el momento de la exposición? Cambiaron éstas durante la aplicación?
12. Se puso en contacto directo con el pesticida? Describa lo que sintió, degustó, vió, y olió durante ésta experiencia?
13. Qué hizo usted después de haber sido expuesto?
14. Dió aviso a alguien de su exposición? Quién y cuando?
15. Desarrolló algunos síntomas? Describa sus síntomas y cuándo comenzaron.
16. Cuántos días faltó al trabajo?
17. Fué hospitalizado? Cuánto tiempo?
18. Había alguna otra persona trabajando con usted cuándo ocurrió la exposición? Si la respuesta es afirmativa obtenga nombres para entrevistarlos
19. Fueron expuestos al pesticida?
20. Comunicó usted a alguien de su exposición? A quién le comunicó?
21. Qué tipo de equipo de protección personal le entregaron?
22. Qué tipo de equipo de protección personal estaba usando?
23. Quién mantiene el equipo de protección personal? Cada cuánto tiempo se mantiene, revisa, o repara?
24. Le entregan a usted ropa limpia diariamente? Usa usted ésta ropa diariamente?
25. Le proveen a usted de jabón, agua y toallas en el lugar de trabajo?
26. Describa el programa de entrenamiento e instrucción que usted recibió?
27. Quién hizo el entrenamiento?
28. Revisó y firmó usted sus records de entrenamiento?
29. Usted sabe dónde se coloca la información de cuidado de emergencia médica?
30. Usted sabe lo que significa la supervisión médica?

Nota: Obtenga de los registros del empleador un historial de trabajo de dos semanas.

D. Trabajador del Campo Expuesto a Deriva

Anote el nombre del entrevistador, día, hora y lugar de la entrevista. También se debe anotar el nombre, dirección, edad, género, número de teléfono, y actividad de trabajo del entrevistado.

1. Quién es su patrón?
2. Cuándo ocurrió la exposición?
3. Dónde ocurrió su exposición o su enfermedad?
4. Cómo ocurrió su exposición o la enfermedad?
5. Cuáles eran sus labores de trabajo el día que sufrió la exposición o cuándo se enfermó?
6. Describa lo que estaba pasando a su alrededor.
7. Notó si había una aplicación de pesticida?
8. Cuándo lo notó?
9. Cuándo experimentó por primera vez contacto con el pesticida? Describa lo que olió, vió, sintió, y degustó durante ésta experiencia.
10. Describa las condiciones del tiempo ese día?
11. Describa el equipo de aplicación – avión, helicóptero, tractor, etc.
12. A qué distancia se encontraba usted de la aplicación.
13. Cuándo se empezó a sentir mal?
14. Cuáles fueron sus síntomas?
15. Cuánto tiempo le duraron los síntomas?
16. Se había sentido así antes? Cuándo?
17. Cuánto tiempo estuvo enfermo?
18. Pudo ir a trabajar? Si no, cuántos días perdió de trabajar.
19. Fue hospitalizado? Por cuanto tiempo?
20. Que ropa o tipo de equipo de protección personal estaba usando?
21. Le dijo a su supervisor que se sentía mal? Cuándo?
22. Fue al doctor o a un hospital?
23. Cuándo vió a un doctor?
24. Cómo llegó al doctor o a un hospital?
25. Había alguna otra persona trabajando cerca de usted?
26. Fueron expuestos al pesticida? Se sintieron mal? Si la respuesta es afirmativa obtenga nombres para entrevistarlos.
27. Vieron a un doctor o fueron a un hospital?

Nota: Obtenga del empleador un historial de trabajo de dos semanas.

E. Trabajador del Campo Expuesto a Resíduo de Pesticida

Anote el nombre del entrevistador, día, hora y lugar de la entrevista. También se debe anotar el nombre, dirección, edad, género, número de teléfono, y actividad de trabajo del entrevistado.

1. Quién es su patrón?
2. En qué campos trabajó el día que sufrió la exposición?
3. Cuándo entró al campo?
4. Por dónde entró al campo?
5. Cuáles eran sus labores de campo el día que sufrió la exposición?
6. Cuándo ocurrió su exposición?
7. Cuántas horas trabajó en el campo?
8. Cómo llegó al campo(s)? (manejó usted mismo o con otro empleado.)
9. Describa las condiciones del tiempo ese día?
10. Olió y degustó algo diferente?
11. Cómo olía y degustaba?
12. Cuándo empezó a sentirse mal?
13. Dónde estaba cuándo empezó a sentirse enfermo?
14. Cuáles eran sus síntomas?
15. Cuánto tiempo le duraron los síntomas?
16. Había sentido estos síntomas antes cuándo trabajó con el mismo cultivo? Cuándo?
17. Alguién más en su casa tuvo los mismos síntomas?
18. Se duchó (lavarse el cuerpo entero con la regadera) ese día al terminar su trabajo?
19. Se vistió con ropa limpia cuándo terminó su trabajo ese día?
20. Cuántas personas hay en su cuadrilla?
21. Alguién más presentó síntomas? Obtenga los nombres de los que presentaron síntomas para entrevistarlos.
22. Le informó a su supervisor que se sintió mal? Cuándo?
23. Fué al doctor o a un hospital?
24. Cómo llegó al doctor o a un hospital?
25. Cuál era el tamaño del cultivo en el campo donde usted estaba trabajando?
26. Algunos de los campos dónde usted estaba trabajando tenían letreros (avisos)?
27. Dónde estaban colocados los letreros?

28. Habían letreros en los terrenos adyacentes?
29. Entró en algún terreno adyacente, por ejemplo a comer? Entró en contacto con el follaje?
30. Pudo ir a trabajar? Cuántos días faltó al trabajo?
31. Lo hospitalizaron? Por cuánto tiempo?
32. Comió o tomó algo fuera de lo común ese día cuándo tuvo los síntomas por primera vez?
33. Tomó agua de las llaves de riego?
34. Es sensible a algún producto químico? A cuáles?

Nota: Obtenga del empleador un historial de trabajo de dos semanas.

F. Público Expuesto a Deriva de Pesticida

1. Cuándo ocurrió la exposición?
2. Dónde ocurrió la exposición?
3. Olió, vió, degustó o sintió algo diferente después de la exposición?
4. Qué olor, sabor, u olor tenía?
5. Notó si había cerca una aplicación de pesticida?
6. Dónde se estaba haciendo la aplicación de pesticida?
7. A qué distancia se encontraba usted de la aplicación?
8. Describa el equipo de aplicación?
9. Describa las condiciones del tiempo ese día?
10. Cuándo se empezó a sentir enfermo?
11. Cuáles fueron sus síntomas?
12. Cuánto tiempo le duraron los síntomas?
13. Acurrió a pedir atención médica? Dónde? Cuándo?
14. Notificó a alguien más de su problema? Quién?
15. Se expuso alguien más?
16. Acurrieron a pedir atención médica?

G. Público Expuesto a Resíduo de Pesticida

1. Cuándo ocurrió la exposición?
2. Dónde ocurrió la exposición?
3. Estaban haciendo una aplicación de pesticida en o cerca de la propiedad?
4. Qué pesticidas estaban aplicando?
5. Quién hizo la aplicación?
6. Cuándo la hicieron?
7. Dónde la hicieron?
8. Olió o degustó algo diferente?

9. Cuándo notó por primera vez un olor o sabor diferente?
10. Qué olor o sabor tenía?
11. Cuándo se empezó a sentir enfermo?
12. Cuáles fueron sus síntomas?
13. Cuánto tiempo le duraron los síntomas?
14. Acurrió a pedir atención médica? Dónde? Cuándo?
15. Se expuso alguien más?
16. Notificó a alguien del problema? Quién?

Appendix F

State of California

M e m o r a n d u m

To : John M. Donahue, Chief
Worker Health and Safety Branch

Date: January 29, 1998

Place: Sacramento

From : Department of Pesticide Regulation, Legal Office - Sharon Dobbins, Senior Staff Counsel

Subject: DISCLOSURE OF DOCTOR'S FIRST REPORT OF OCCUPATIONAL
ILLNESS AND INJURY/MEDICAL RECORDS/PERSONAL
IDENTIFIERS IN COUNTY AGRICULTURAL COMMISSIONER'S CIVIL
PENALTY ACTIONS

This is in response to your memorandum to Meg Halloran on the above-noted subject. A copy of your memorandum is attached.

Typically, a Doctor's First Report of Occupational Illness and Injury (DFROII) will contain medical and other personal information. If this department were to receive a Public Records Act request for such a record, we would handle the request in accordance with DPR's Guidelines for Public Disclosure of Records (DPR Policy Letter I-01). However, a county agricultural commissioner (CAC) civil penalty action is not a request to DPR, or to the county, for records and our guidelines for public disclosure of records are not applicable to CAC civil penalty actions. Thus, Don Richmond's August 21, 1997 memorandum to Louis Watson is not applicable to CAC civil penalty actions. Our public record disclosure guidelines also are not applicable to public records requests received by CACs because our guidelines include provisions of the Information Practices Act, which applies to State agencies but not to county agencies. For regular public records requests, CACs have to follow the Public Records Act and their own counties' guidelines for public disclosure of records.

When CACs take civil penalty action against a person violating the State's pesticide laws or regulations, the respondent has a right to see the commissioner's evidence. For example, FAC section 12999.5 provides that “. . . the person shall

be given an opportunity to review the commissioner's evidence and to present evidence on his or her own behalf."

John Donahue
January 29, 1998
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Not everything in an investigative or case file is needed for a civil penalty action. When the county has a DFROII in an investigative or case file for which the county decides to pursue civil penalty action, the county needs to ask itself whether it needs to use the DFROII to support a finding of a violation or the seriousness of a violation. If the answer is no, then there is no need to use the DFROII as evidence and, therefore, no reason to disclose it to the respondent.

A DFROII is hearsay evidence. Generally, hearsay evidence cannot be used alone to support a finding. The county needs to remember that the DFROII is hearsay evidence and that the county really needs the injured/ill person to testify in person at the hearing regarding the incident that gave rise to the pesticide exposure/illness/injury if the medical information in the DFROII is needed to prove the violation or its seriousness. If there were several injured/ill persons involved in the incident and only one of them testifies at the hearing, the county could introduce the hearsay DFROIIs to support/supplement the direct personal testimony. If the county intends to introduce a DFROII at the civil penalty action hearing to support a finding of a violation or the seriousness of a violation under the fine guidelines, the respondent is entitled to see the DFROII.

Normally, when a state or local agency responds to a public records request and discloses a record to the public that is otherwise protected from disclosure, such as personal medical information, that disclosure constitutes a waiver of the protected status. That waiver is found in the Public Records Act, Government Code

section 6254.5. Section 6254.4 also provides that the section (and, therefore, the waiver) does not apply to disclosures "[m]ade through other legal proceedings." Since disclosure of medical information evidence by the CAC to a respondent in a civil penalty action is a disclosure made through a legal proceeding, the record retains its protected status. Thus, if the CAC subsequently receives a request from the public for a copy of the respondent-disclosed DFROII, the medical information still has its protected-from-disclosure status and the CAC would not have to disclose it.

Attachment

VIII. ASSOCIATED FORMS

PR-ENF-097	Pesticide Illness Investigation Request for Time Extension
PR-ENF-127	Pesticide Episode Investigation Report
PR-ENF-127A	Pesticide Episode Investigation Supplemental Report
PR-ENF-127B	Episode Witness/Injured/Complainant Report
PR-ENF-127C	Episode Site Diagram
PR-ENF-127D	Field Worker Dermatitis Supplemental Report
PR-ENF-182	Antimicrobial Exposure Episode Report